CODE OF THE COUNTY

OF

CULPEPER, VIRGINIA

Published by Order of the Board of Supervisors

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1997

Republished 2005

OFFICIALS

of

CULPEPER COUNTY

December 2004

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Chairman
Steven E. Nixon
Vice Chairman

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Steven E. Nixon	West Fairfax District

Frank T. Bossio
County Administrator

John D. Maddox
County Attorney

PREFACE

This Code constitutes a republication of the general and permanent ordinances of the County of Culpeper, Virginia.

Source materials used in the preparation of the Code were the 1997 Code, as supplemented through November 3, 2004, and ordinances subsequently adopted by the Board of Supervisors. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included in the following manner. If the new material is to be included between chapters 12 and 13, it will be designated as chapter 12A. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which

may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the (index itself or indexes themselves) which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of A. Lawton Langford, President, and Becky Moore, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Sandy Lemley, Legal Assistant, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

Copyright

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the County of Culpeper, Virginia; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending and Supplementing Such Code; And Providing When Such Code and This Ordinance Shall Become Effective.

Be It Ordained By the Board of Supervisors of Culpeper County, Virginia, as follows:

Section 1. The Code of Ordinances, consisting of Chapters 1 to 15, each inclusive, is hereby adopted and enacted as the "Code of the County of Culpeper, Virginia," which Code shall supersede all general and permanent ordinances of the County adopted on or before December 1, 1981, to the extent provided in section 2 hereof.

Section 2. All provisions of such Code shall be in full force and effect from and after September 1, 1982, and all ordinances of a general and permanent nature of the County, adopted on final passage on or before December 1, 1981, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. A violation of any provision of such Code shall be punished as provided in section 1-10 of such Code, or as provided in any other applicable section of such Code.

Section 5. Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Board of Supervisors to make the same a part of such Code, shall be deemed to be incorporated in such Code, so that reference to such Code shall be understood and intended to include such additions and amendments.

Section 6. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty, as provided in section 1-10 of such Code, shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. Any ordinance adopted after December 1, 1981, which amends or refers to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

ADOPTED:

Eric K. Thoreson
Chairman
Culpeper County Board of Supervisors

DATE: May 4, 1982

Adopted by the Culpeper County Board of Supervisors

5/6/97

BOARD OF SUPERVISORS OF CULPEPER COUNTY, VIRGINIA

ORDINANCE READOPTING AND RECODIFYING ALL APPENDICES OF THE CODE OF THE COUNTY OF CULPEPER, VIRGINIA (APPENDIX A—ZONING ORDINANCE, APPENDIX B—SUBDIVISION ORDINANCE, AND APPENDIX C—REPEALED DISTRICTS)

WHEREAS, §§ 15.1-504 and 15.1-37.3 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, §§ 15.1-486 through 15.1-491.03 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt and amend zoning ordinances in conformance with the provisions thereof; and

WHEREAS, this amendment of the zoning ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, §§ 15.1-470 through 15.1-472 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt and amend subdivision ordinances in conformance with the provisions thereof; and

WHEREAS, the full text of this readoption and recodification attached hereto was available for public review in the Culpeper County Administrator's Office, 302 N. Main Street, Culpeper, Virginia 22701 for at least two weeks prior to the adoption of this ordinance; and

WHEREAS, this ordinance was advertised and a public hearing held as required by law; and

WHEREAS, no change in substance of the Appendices of the Code of the County of Culpeper, Virginia is intended;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Culpeper County hereby readopts and recodifies all sections and articles of Appendix A—Zoning Ordinance, Appendix B—Subdivision Ordinance and Appendix C—Repealed Districts of the Code of the County of Culpeper, Virginia; as provided in the attachment; and

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon passage.

Done this 6th day of May, 1997.

VOTING AYE: Irvin N. Bennett, Jr., William C. Chase, Jr., John F. Coates, Sue D. Hansohn, F. Steven Jenkins, Brad C. Rosenberger, Carolyn S. Smith

VOTING NAY: None

ABSTAINING: None

ABSENT: None

Witness this my signature and seal.

/s/ _____
Brad C. Rosenberger, Chairman
Board of Supervisors of Culpeper
County, Virginia

ATTEST:

/s/ _____
Steven B. Miner,
County Administrator

Adopted by the Culpeper County Board of Supervisors

5/6/97

BOARD OF SUPERVISORS OF CULPEPER COUNTY, VIRGINIA

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WHEREAS, this amendment of the zoning ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice; and

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VOTING NAY: None

ABSTAINING: None

ABSENT: None

Witness this my signature and seal.

/s/ _____
Brad C. Rosenberger, Chairman
Board of Supervisors of
Culpeper County, Virginia

ATTEST:

/s/ _____
Steven B. Miner,
County Administrator

TABLE OF CONTENTS

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of the County of Culpeper, Virginia," and may be so cited. Such Code may also be cited as the "Culpeper County Code."

State law reference—Authority of County to codify and recodify its ordinances, Code of Virginia, § 15.2-1433.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the County, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors:

Generally. The rules of construction given in §§ 1-13.1 to 1-15, Code of Virginia, shall govern, so far as applicable, the construction of all words not defined in this section or elsewhere in this Code.

Board of Supervisors; Board. Wherever the term "Board of Supervisors" or "Board" is used, it shall be construed to mean the Board of Supervisors of the County of Culpeper.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Code. Wherever the term "Code" or "this Code" is used, without further qualification, it shall mean the Code of the County of Culpeper, Virginia, as designated in section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The word "County" shall mean the County of Culpeper in the State of Virginia.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health officer. The term "health officer" shall mean the legally designated health authority of the State Department of Health for the County or his authorized representative.

Joint authority. Words purporting to give authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Officers, boards, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, such reference shall be construed as if followed by the words "of the County of Culpeper, Virginia." A reference to a particular officer shall also be construed as if followed by the words "or his duly authorized deputy or assistant," subject, however, to the provisions of § 15.2-1502 of the Code of Virginia.

Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the County.

Or; and. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.

Section numbers. Whenever reference is made to a specific section (e.g. section 1-1), without further qualification, it shall be deemed to refer to that section of this Code.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature or subscription. The word "signature" or "subscription" shall include a mark when a person cannot write.

State; commonwealth. The words "state" and "commonwealth" shall be construed as if the words "of Virginia" followed.

State Code. References to the "State Code" or "Code of Virginia" shall mean the Code of Virginia (1950), as amended.

Street; highway; road. The words "street," "highway" and "road" shall include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the County, and shall mean the entire width thereof between abutting property lines. Such words shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors.

Swear: sworn. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing. This shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall be construed to mean calendar year and the word "year" alone shall be equivalent to the expression "year of our Lord."

State law reference—Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-13.3 et seq.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

State law reference—Similar provisions as to sections of State Code, Code of Virginia, § 1-13.9.

Sec. 1-4. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the ordinances included herein, shall be considered as continuations thereof and not as new enactments.

Sec. 1-5. Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

(1) Any ordinance promising or guaranteeing the payment of money by or for the County or authorizing the issuance of any bonds of the County or any evidence of the County's indebtedness or any contract or obligation assumed by the County;

(2) Any ordinance granting any franchise or right;

(3) Any ordinance appropriating funds, making assessments or relating to an annual budget;

(4) Any ordinance relating to salaries, compensation or bonds of County employees and officials or members of County Boards or commissions;

(5) Any ordinance authorizing, providing for or otherwise relating to any public improvement;

(6) The Zoning Ordinance adopted December 5, 1967, and set out in Appendix A of this Code, or any amendment thereto, including amendments to the Zoning Map and ordinances zoning or rezoning specific property;

(7) The Subdivision Ordinance adopted July 5, 1978, and set out in Appendix B of this Code, or any amendment thereto;

(8) Any ordinance adopted for purposes which have been consummated; or

(9) Any ordinance which is temporary, although general in effect, or special, although permanent in effect; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-6. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.

Sec. 1-7. Supplementation of Code.

(1) By contract or by County personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Board of Supervisors. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(2) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.

(3) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(a) Organize the ordinance material into appropriate subdivisions;

(b) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(c) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(d) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(e) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of supplement or already embodied in the Code.

State law reference—Authority to supplement Code, Code of Virginia, § 15.2-1433.

Sec. 1-8. Copies of Code and supplements to be available for public inspection.

At least three (3) copies of this Code and every supplement thereto shall be kept in the office of

the County Administrator and shall there be available for public inspection, during normal business hours.

State law reference—Similar provisions, Code of Virginia § 15.2-1433.

Sec. 1-9. Severability of parts of Code.

If any part, section, subsection, sentence, clause or phrase of this Code is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.

Sec. 1-10. Classification of the penalties for violations; continuing violations.

(a) Whenever in this Code or any other ordinance of the County or any rule or regulation promulgated by any officer or agency of the County, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3, or 4 misdemeanor, such violation shall be punishable by fines and imprisonment in accordance with the provisions of § 18.2-11 of the Virginia Code, as may be amended from time to time.

(b) Whenever in any provision of this Code or in any other ordinance of the County or any rule or regulation promulgated by an officer or agency of the County, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a) of this section.

(c) Notwithstanding any other provision of this section or any other section of this Code, no penalty shall be imposed, for a violation of this Code or any other ordinance or any rule or regulation referred to in this section, which is greater than the penalty provided by state law for a similar offense.

(d) Each day any violation of this Code or any other ordinance or any rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Ord. of 7-5-1995)

Editor's note—The amendment of 7-5-1995 deleted the specific fines and punishments for each class of misdemeanor previously listed and instead incorporated by reference the fines and punishments as provided for by state law, as may be modified from time to time.

State law references—Classification of misdemeanors and punishment therefor, Code of Virginia §§ 18.2-9, 18.2-11; authority of County to provide penalties for violation of ordinances and provisions similar to subsection (c) above, Code of Virginia, § 15.2-1429.

Sec. 1-11. Incorporation of State Code.

(a) Notwithstanding any other provision in this Code to the contrary, any and all references to the Code of Virginia, 1950, as amended, whether a reference to a single section, article, chapter, title, or provision; or to multiple sections, articles, chapters, titles, or provisions; or to the Code in its entirety; shall be deemed to be references to the Code of Virginia, 1950, as amended, in effect as of the 1st day of July, 2001. Whenever any section, article, chapter, title, or provision of the Code of Virginia, 1950, as amended, shall be incorporated by reference herein, the incorporated section, article, chapter, title or provision as in effect on the 1st day of July, 2001.

(b) The provisions of this section shall not apply to any reference to the Code of Virginia contained in this Code when such reference to the Code of Virginia shall expressly state that the provisions of this section shall not apply.

(Ords. of 6-1-1999; 6-6-2000; 10-2-2001)

Editor's note—The amendment of 6-6-2000 amended this section to change the July 1, 1999 effective date to July 1, 2000.

Sec. 1-12. County Attorney to serve as editor of the Code; authority to make minor changes.

(a) The County Attorney shall serve as the editor of the Culpeper County Code. In that capacity, the County Attorney shall be responsible for the content of any items entitled "State law references," "similar provisions," or other materi-

als provided to give more information about the adoption or authority for individual sections or articles of the County Code.

(b) The County Attorney may correct unmistakable errors, misspellings and other unmistakable errors in cross references to sections of the Code of Virginia or other sections of the County Code and may change cross references to sections of the Code of Virginia or other sections of the County Code which have become outdated or incorrect due to subsequent amendment, revision, or repeal of the sections to which reference is made.

(c) The County Attorney may renumber, rename and rearrange any County Code chapters, articles or sections and make corresponding changes in lists of article and section headings, catch-lines, and tables, when, in the judgment of the County Attorney, it is necessary because of any disturbance or interruption of orderly or consecutive arrangement.

(d) The County Attorney may correct typographical errors and other minor mistakes which are inconsistent with the Board's intent as appearing in the Codified Code, ordinances, resolutions, and policies of the Board, if such changes are clearly errors inconsistent with the Board's intent, do not add or delete new material of a substantive nature, and are not otherwise required by law to be made by the Board.

(e) Upon the County Attorney's determination that a change pursuant to subsections (a) through (d) should be made, the County Attorney shall consult with the Chairman of the Board for a determination of whether or not the proposed change shall be handled administratively by the County Attorney or should be presented to the Board for consideration.
(Ord. of 5-4-2004(1))

Chapter 2

ADMINISTRATION*

Article I. In General

Article II. Planning Commission

Article III. Office of Emergency Services

*__Cross references—__Position of Animal Warden created, § 4-2; elections, Ch. 7; parking on County property, § 10-59 et seq.

ARTICLE I. IN GENERAL

Sec. 2-1. Fire Departments and Rescue Squad designated as part of County's Official Safety Program.

The active members of the Culpeper County Volunteer Fire Department, Incorporated; the Culpeper County Rescue Squad, Incorporated; the Brandy Volunteer Fire Department, Incorporated; the Little Fork Volunteer Fire and Rescue Department, Incorporated; the Reva Volunteer Fire and Rescue Department, Incorporated; the Richardsville Volunteer Fire Department and Rescue Squad; the Rapidan Volunteer Fire Department; the Salem Volunteer Fire Department, Incorporated; the Culpeper County Department of Emergency Management; and the Virginia Department of Emergency Services Search and Rescue Teams are hereby recognized as an integral part of the Official Safety Program of the County.
(Ords. of 10-1-1974; 12-1-1981; 11-6-1996)

Editor's note—The ordinance from which the above section was derived was adopted pursuant to the state's Line of Duty Act (Code of Virginia, §§ 2.1-133.5—2.1-133.11).

Cross reference—Junior fire fighters, § 9-3.

Sec. 2-2. Fees for permits, certificates, approvals, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance, resolution or other action of the Board of Supervisors establishing any fee not set out in this Code, including but not limited to, fees for the use of County facilities, fees for permits applied for pursuant to the Virginia Uniform Statewide Building Code or any ordinance of the County, fees for approvals, applications and certificates required by the zoning, subdivision or other ordinance of the County and fees or taxes for licenses required by any ordinance of the County, and all such ordinances, resolutions and actions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Cross references—Zoning ordinance, App. A; Subdivision ordinance, App. B.

Sec. 2-3. Fee for passing bad check to County.

Any person who utters, publishes, or passes any check or draft for payment of taxes or any other sums due the County, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, shall pay to the County a fee in the amount of twenty-five dollars ($25.00), in addition to the amount of such check or draft.
(Ord. of 8-5-2003)

State law reference—Authority for above section and limit on amount of fee, Code of Virginia, § 15.2-106.

Sec. 2-4. Authority to allow payment of local levies by credit card; service charge.

The treasurer of the County may, and is hereby authorized to, accept payment of local levies, penalties and interest by use of credit cards in accordance with section 58.1-3013 of the 1950 Code of Virginia, and he shall add to such payment a sum not to exceed four percentum (4%) of the amount of levies, penalty and interest paid, as a service charge for the acceptance of such card. Such service charge shall not exceed the percentage charged to the County.
(Ords. of 2-8-1984; 10-8-1996)

Sec. 2-5. Preference for the purchase of recycled paper and paper products.

(a) *Purpose.* The purpose of this section is the promotion of governmental utilization of recycled paper and paper products as provided for in §§ 11-47.2 and 15.2-938 of the Code of Virginia.

(b) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

Recycled paper and paper products shall mean any paper and paper products meeting the environmental protection agency recommended content standards as defined in 40 CFR 250.

(c) In determining the award of any contract for paper or paper products to be purchased for use by any division, department or agency of Culpeper County, the purchasing agent for Culpeper County shall use competitive bidding and shall award the contract to the lowest responsible bidder offering recycled paper or paper products of a quality suitable for the purpose intended, so long as the bid price is not more than

ten percent (10%) greater than the bid price of the lowest responsive and responsible bidder offering a product that does not qualify under subsection (b) above.
(Ord. of 11-6-1991)

Sec. 2-6. Courthouse construction, renovation or maintenance fees.

A two dollar ($2.00) fee for services performed by the court judges and clerks is hereby assessed as part of the costs in (i) each civil action filed in district and circuit courts in Culpeper County, and (ii) each criminal or traffic case in such courts in which the defendant is charged with a violation of any statute or ordinance.

The assessment shall be collected by the Clerk of the Court in which the action is filed, remitted to the County Treasurer and held by such Treasurer subject to disbursements by the Board of Supervisors for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law.
(Ords. of 6-12-90; 7-1-1997)

Editor's note—This fee was originally adopted by the Board of Supervisors on June 12, 1990. The ordinance was codified on July 1, 1997.

State law reference—Authority for this section, Code of Virginia, § 14.1-133.2.

Sec. 2-7. Absence as an implied resignation.

(a) *Attendance requirement.* Any person appointed by the Board of Supervisors to any board, commission, council, committee, or other body to which the Board of Supervisors appoints members, shall not fail to attend more than one-third (⅓) of the regularly scheduled meetings of that body in any six-month period, nor more than two (2) consecutive regularly scheduled meetings of that body.

(b) *Nonattendance constitutes implied resignation.* Failure of any such person to attend three (3) consecutive regularly scheduled meetings or more than one-third (⅓) of the regularly scheduled meetings in any six-month period shall be deemed resignation from that person's position. The person shall continue in office until such time as the Board of Supervisors shall accept such resignation by majority vote or by the appointment of another person to fill such position.

(c) *Notice requirement.* The County Administrator or his designee shall provide to all persons appointed by the Board of Supervisors and subject to this requirement a copy of this section 2-7.

(d) *Reporting attendance.* It shall be the responsibility of the chief presiding officer of each body appointed by the Board of Supervisors to provide to the County Administrator or his designee a record of the attendance of the members of each such body for all regularly scheduled and special meetings.
(Ords. of 12-1-1998, 8-3-1999)

Editor's note—Ordinance of 8-3-1999 gave the Board of Supervisors the option of accepting resignations under subsection (b) by majority vote, in addition to the appointment of a successor to a position.

Sec. 2-8. Fee assessment to fund County's courthouse security personnel.

Pursuant to Virginia Code § 53.1-120, as amended, a fee of five dollars ($5.00) is hereby and shall be assessed as part of the cost against each defendant for each conviction or violation of a statute or ordinance. This fee shall be collected by the Clerk of Court, along with other costs. The Clerk shall remit the fees to the Treasurer of Culpeper County. The Treasurer shall hold such funds subject to appropriation by the Culpeper County Board of Supervisors to the Sheriff's Office of Culpeper County for the funding of courthouse security personnel.
(Ord. of 6-4-2002)

Sec. 2-9. Processing fee to defray costs of processing arrested persons into local or regional jails.

Pursuant to Virginia Code § 15.2-1613.1, a processing fee of twenty-five dollars ($25.00) is hereby assessed and imposed upon any individual admitted to a county, city, or regional jail following conviction within the County of a crime, misdemeanor or violation of a local ordinance of the County, or any town located within the County. This fee shall be assessed by the Clerk of Court of

the court in which the conviction occurred, along with the other costs of the court proceedings, and deposited with the Treasurer of Culpeper County and shall be used by the Culpeper County Sheriff to defray the cost of processing the convicted arrested persons into the local or regional jail.
(Ord. of 6-4-2002)

Secs. 2-10—2-13. Reserved.

ARTICLE II. PLANNING COMMISSION*

Sec. 2-14. Established; name.

The Board of Supervisors hereby establishes a planning commission to be known as the Culpeper County Planning Commission.
(Res. of 2-3-1976)

State law reference—Duty to create planning commission, Code of Virginia, § 15.2-2210.

Sec. 2-15. Composition; appointment of members.

The Planning Commission shall consist of nine (9) members who shall be citizens of the County and who shall serve at large from the County, with each member being appointed by a majority vote of the Board of Supervisors.
(Res. of 2-3-1976)

State law reference—Composition of planning commission and appointment of members, Code of Virginia, § 15.2-2212.

Sec. 2-16. Qualifications of members.

All members of the Planning Commission shall be qualified, by knowledge and experience, to make decisions on questions of community growth and development. At least one-half (½) of such members shall be freeholders.

State law reference—Similar provisions, Code of Virginia, § 15.2-2212.

Sec. 2-17. Terms of members; filling of vacancies.

The initial appointments to the Planning Commission shall be for staggered terms of one (1), two (2) and three (3) years. Thereafter, each member shall be appointed for a term of three (3) years. Any vacancy shall be filled by appointment, by the Board of Supervisors, for the unexpired term only.
(Res. of 2-3-1976)

State law reference—Terms of Planning Commission members and similar provisions as to filling vacancies, Code of Virginia, § 15.2-2212.

Sec. 2-18. Compensation of members.

Compensation, in the form of a monthly salary and reimbursement for mileage from home to and from meetings, shall be paid to the members of the Planning Commission at a rate to be established by the Board of Supervisors as part of the annual budget appropriations.
(Res. of 2-3-1976)

State law reference—Authority of Board to provide for compensation for Planning Commission members, Code of Virginia, § 15.2-2212.

Sec. 2-19. Election of Chairman and Vice-Chairman; meetings; adoption of bylaws and rules of procedure.

The Planning Commission shall elect its own chairman and vice-chairman and shall select its own time and place for the regular conduct of its business as provided for by statute, and shall adopt its own bylaws and rules of order as necessary to govern its action pursuant to and consistent with the Constitution and laws of the United States and this state.
(Res. of 2-3-1976)

State law reference—Planning Commission meetings, Code of Virginia, § 15.2-2214; election of chairman and vice-chairman and adoption of rules, § 15.2-2217.

Sec. 2-20. Clerk.

The Zoning Administrator shall serve as Clerk to the Planning Commission, unless the Board of Supervisors makes other arrangements.
(Res. of 2-3-1976)

Cross reference—Zoning Administrator generally, App. A, §§ 13-1, 13-2.

Sec. 2-21. Functions.

In addition to performing the functions mandated by statute, the Planning Commission shall serve to assist the Board of Supervisors in any reasonable manner that the Board may request.
(Res. of 2-3-1976)

*__Cross references—__Zoning ordinance, App. A; subdivision ordinance, App. B.

Secs. 2-22—2-31. Reserved.

ARTICLE III. OFFICE OF EMERGENCY SERVICES

Sec. 2-32. Purpose of article.

This article is adopted in order to develop and maintain an emergency services organization to ensure that preparations are adequate to deal with disasters or emergencies resulting from enemy attack, sabotage or other hostile action, resource shortage or fire, flood, earthquake or other natural cause, and generally to protect the public peace, health and safety and to preserve the lives and property and economic well-being of the people of the County.
(Ord. of 10-7-1975)

Sec. 2-33. Definitions.

As used in this article, the word "office" shall mean the Office of Emergency Services created by section 2-34 and the word "Director" shall mean the Director of Emergency Services referred to in section 2-34.

Sec. 2-34. Office created; Director designated.

There is hereby created a County Office of Emergency Services. The head of such office shall be known as the Director of Emergency Services. Such Director shall be a member of the Board of Supervisors selected by the Board.
(Res. of 9-2-1975; Ord. of 10-7-1975)

State law reference—Local agency of emergency services, Code of Virginia, § 44-146.19.

Sec. 2-35. Line of succession for Director.

The line of succession for the Director shall be as follows:

(1) The Chairman of the Board of Supervisors, if not already the Director.

(2) The Vice-Chairman of the Board of Supervisors, if not already the Director.

(3) Any member of the Board of Supervisors who is not already the Director.

(Res. of 9-2-1975)

State law reference—Chain of command to be established, Code of Virginia, § 44-146.19.

Sec. 2-36. General duties of Director; cooperation from other County officers and personnel.

The Director shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the County to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the Director upon request.
(Ord. of 10-7-1975)

Sec. 2-37. Appointment of Coordinator and other office of personnel.

The Director shall, with the consent of the Board of Supervisors, have authority to appoint a Coordinator of Emergency Services and such other personnel for the office as is necessary.
(Ord. of 10-7-1975)

State law reference—Similar provisions, Code of Virginia, § 44-146.19.

Sec. 2-38. Emergency operations plan; mutual aid agreements.

The Director shall prepare or cause to be prepared and keep current a local emergency operations plan. He may, in collaboration with other public and private agencies, develop, or cause to be developed, mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.
(Ord. of 10-7-1975)

State law reference—Local emergency operations plan required and authority as to mutual aid arrangements, Code of Virginia, § 44-146.19.

Sec. 2-39. Declaration of local emergency.

(a) A local emergency, as defined in section 44-146.16 (6) of the Code of Virginia, may be declared by the Director, with the consent of the Board of Supervisors. In the event the Board

cannot convene due to the disaster, the Director, or any member of the Board in the absence of the Director, may declare the existence of a local disaster, subject to confirmation by the entire Board of Supervisors at a special meeting within five (5) days of the declaration. The Board, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.
(Ord. of 10-7-1975)

State law reference—Similar provisions, Code of Virginia § 44-146.21.

Chapter 3

AMUSEMENTS

Article I. In General

Article II. Outdoor Musical or Entertainment Festivals

Division 1. Generally

Division 2. Permit

Article III. License for Carnivals, Animal Shows, Etc.

ARTICLE I. IN GENERAL

Sec. 3-1. Repealed.

Editor's note—Former Sec. 3-1 dealt with the permitting, auditing and other regulation of bingo games. In 1995, the Commonwealth created a Charitable Gaming Commission which took these responsibilities over from the counties as of July 1, 1996. This section therefore was not needed in the County Code and was repealed.
(Ord. of 7-5-1995)

Secs. 3-2—3-11. Reserved.

ARTICLE II. OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

DIVISION 1. GENERALLY

Sec. 3-12. Definition.

When used in this article, the term "musical or entertainment festival" or "festival" shall mean any gathering or group of individuals for the purpose of listening to or participating in entertainment which is open to the general public or for which an admissions charge or contribution is assessed or collected, and includes musical renditions conducted in open spaces.
(Ord. of 1-5-1971, § 2; Ord. of 3-4-1997)

Sec. 3-13. Purpose of article.

This article is enacted pursuant to § 15.2-1200 of the Code of Virginia, 1950, as may be amended from time to time, for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of a gathering or group of individuals for the purpose of listening to or participating in entertainment which includes musical renditions conducted in open spaces not within an enclosed structure which is open to the public or for which an admissions charge or contribution is assessed or collected, in the interest of the public health, safety and welfare of the citizens and inhabitants of the County.
(Ords. of 1-5-1971, § 1; 3-4-1997)

Sec. 3-14. Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.
(Ord. of 1-5-1971, § 10)

Sec. 3-15. Violations of article.

Any person who violates any provision of this article shall be guilty of a Class 2 misdemeanor. The Board of Supervisors, any law-enforcement officer or any private citizen may bring suit in the Circuit Court of the County to restrain, enjoin or otherwise prevent the violation of this article.
(Ord. of 1-5-1971, § 8)

Cross reference—Penalty for Class 2 misdemeanor, § 1-10.

Sec. 3-16. Time limit on music and entertainment.

Music shall not be rendered nor entertainment provided at a festival after midnight or before the hour of 11:30 in the morning.
(Ord. of 1-5-1971, § 5; Ord. of 3-4-1997)

Sec. 3-17. Remaining on premises between, before or after performances.

No person shall remain upon the premises of a festival between, before or after any of the performances or set up temporary habitation upon such premises. This section shall not apply to the person who has assumed or has been contracted to assume the management of the festival, the necessary custodians of the premises, the paid and billed performers and other persons whose continual presence is required for the proper regulation and presentation of the festival.
(Ord. of 1-5-1971, § 6; Ord. of 3-4-1997)

Secs. 3-18—3-22. Reserved.

DIVISION 2. PERMIT

Sec. 3-23. Required.

No person shall stage, promote or conduct any musical or entertainment festival in the County,

unless he has obtained a permit so to do issued pursuant to this division. No permit shall be issued pursuant to this division unless the Commissioner of the Revenue certifies to the County Administrator that all other requisite licenses have been issued.
(Ord. of 1-5-1971, § 3; Ord. of 3-4-1997)

Sec. 3-24. Application generally.

A. Application for a permit required by this division shall be in writing, on forms provided for the purpose, and shall be submitted to the County Administrator at least sixty (60) days before the first planned date of the festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division.

B. Each application submitted under this section shall be accompanied by such fee as is prescribed, from time to time, by the Board of Supervisors.
(Ord. of 1-5-1971, § 3; Ord. of 3-4-1997)

Sec. 3-25. Documents, plans, etc., to accompany application.

A. A festival permit shall not be issued, unless the following conditions are met and the following documents, plans, statements and approvals are submitted to the County Administrator with the application:

(1) The application shall have attached to it a copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.

(2) A statement of the name and address of the promoters of the festival, the financial backing of the festival and the names of all persons or groups who will perform at the festival.

(3) A statement of the location of the proposed festival, the name and address of the owner of the property on which the festival is to be held and the nature and interest of the applicant therein.

(4) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Health Officer.

Cross reference—Solid waste, Ch. 11.

(5) A plan for providing food, water and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Health Officer.

Cross reference—Water supply, Ch. 14.

(6) A plan for adequate medical facilities for persons at the festival, approved by the County Health Officer, which shall include at least the presence of a unit of the Culpeper County Rescue Squad or installation of telephone service.

(7) A plan, with plat attached, showing all means of ingress and egress from the festival area to one (1) or more of the federal or state highways within the County, together with a statement from the state department of highways and transportation approving such routes as all-weather routes adequate to safely and conveniently handle the volume of traffic contemplated without substantial damage to the same.

(8) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the County Forest Warden.

(9) A traffic plan, which shall include those plans and measures which the Virginia Department of Transportation ("VDOT"), in its discretion, may deem necessary for the proposed festival. VDOT may require that the traffic plan include provisions for traffic flow, temporary road closures, and/or for adequate traffic control at all junc-

tions with major highways, at the entrances to the festival area and at such other intersections as may be deemed necessary by VDOT. The traffic plan shall be submitted to and approved by VDOT prior to issuance of the festival permit. In the event VDOT requires manual traffic direction as a condition of approval, all direction of traffic shall be provided only by uniformed or deputized law-enforcement officers, as required by §§ 46.2-1309 and 46.2-1310 of the Virginia Code, as may be amended from time to time. In the event an approved traffic plan requires the manual direction of traffic, the promoter shall obtain such traffic direction services from either the Virginia State Police or the Culpeper County Sheriff, either one of whom may, in their discretion, charge a reasonable fee for such traffic direction services, which fee may include over-time wages and salaries. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved traffic plan and all fees due either the Virginia State Police or the Culpeper County Sheriff for manual traffic direction services shall be paid in advance.

Cross reference—Motor Vehicles and Traffic, Ch. 10.

(10) A plan for adequate parking facilities and traffic control within the festival area and on public or private property surrounding or adjoining the festival area. Such plan shall be submitted to and approved by VDOT prior to issuance of the festival permit. The promoter shall be solely responsible for all costs and expenses incurred in implementation of the approved parking and internal traffic plan.

(11) A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.

(12) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

(13) A plan for internal festival security and crowd control approved by the Culpeper County Sheriff. The Culpeper County Sheriff may require, as a condition of security plan approval, that the promoter contract with the Culpeper County Sheriff for provision of security by Sheriff's Deputies or provide a force of licensed private security guards. The promoter shall be solely responsible for all costs and expenses incurred in implementing the approved security plan, and all fees due the Culpeper County Sheriff for contract security services shall be paid in advance.

(14) Notice of the festival shall be given to the Virginia State Police and to the Culpeper County Sheriff, in writing, by the festival promoter, at least sixty (60) days prior to the first festival date.

(15) If, in the discretion of the County Administrator, a bond is desirable to secure the promoter's performance of any obligation owed to a government agency and created pursuant to this article, the County Administrator may require, as a condition to issuance of a permit, that the promoter post a bond in an amount determined by the County Administrator to be sufficient to secure such obligations. Such bond shall be limited to obligations owed to a government agency or entity and shall specifically exclude private debts incurred by or owed by the promoter to private persons or entities and shall be secured by a letter of credit from a federally chartered banking institution in a form acceptable to the County Administrator.

B. Applications must be filed with the County Administrator by no later than the sixtieth (60th) day preceding the first day of the festival.

C. The various government agencies reviewing festival permit applications, as required in section A hereinabove, shall have fifteen (15) days from the date upon which they receive the appli-

cation from the County Administrator in which to respond and shall in any event respond no later than the 35th day prior to the first day of the festival.
((Ord. of 1-5-1971, § 4; Ord. of 3-4-1997)

Sec. 3-26. Applicant to furnish right of entry.

No festival permit shall be issued unless the applicant shall furnish to the County Administrator written permission for the County Administrator, his lawful agents and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article.
(Ord. of 3-4-1997)

Sec. 3-27. Issuance or denial.

The County Administrator shall act on an application filed under this division by no later than thirty (30) days before the first day of the festival. If granted, the permit shall be issued in writing on a form provided for the purpose and mailed by the County Administrator to the applicant at the address indicated. If denied, the refusal shall be in writing, with the reasons for such denial stated therein, and mailed by the County Administrator to the applicant at the address indicated.
(Ord. of 1-5-1971, § 3; Ord. of 3-4-1997)

Sec. 3-28. Revocation.

The Board of Supervisors shall have the right to revoke any permit issued under this division upon noncompliance with any of the provisions and conditions of the permit or of this article.
(Ord. of 1-5-1971, § 7)

Sec. 3-29. Requests for waiver of any requirements of the permit.

Any applicant who desires a waiver of any of the requirements of this article shall apply for such waiver to the Board of Supervisors, in writing, by no later than two (2) weeks before a regularly scheduled meeting of the Board of Supervisors. If the Board of Supervisors approves the application for the waiver, only the specific requirements requested in the application shall be so waived. All other permit requirements shall be met as specified in this article.
(Ord. of 3-4-1997)

Sec. 3-30. Unlawful assembly.

Any festival conducted without first having obtained a festival permit shall be declared an unlawful assembly and the Sheriff is authorized, in his discretion, pursuant to § 18.2-111 of the Code of Virginia, 1950, as may be amended from time to time, to disperse persons unlawfully assembled for a festival conducted without a permit required by this ordinance.
(Ord. of 3-4-1997)

Secs. 3-31—3-38. Reserved.

ARTICLE III. LICENSE FOR CARNIVALS, ANIMAL SHOWS, ETC.

Sec. 3-39. Definitions.

For the purpose of this article, a "carnival" is an aggregation of shows, amusements, concessions, eating places and riding devices, or any of them, operated together on one (1) lot or street, or on contiguous lots or streets, moving from place to place, whether the same are owned and actually operated by separate persons or not.
(Ord. of 8-3-48)

State law reference—Similar provisions, Code of Virginia, § 58.1-3728(A)

Sec. 3-40. Required.

A. Every person who exhibits in the County performances in a side show, dog and pony (or either) show, trained animal show, carnival, circus, menagerie or any other show, exhibition or performance similar thereto shall procure a license so to do, except as otherwise specifically provided in this article.

B. Every person who exhibits or gives a performance without the license required by this section shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense.
(Ord. of 8-3-1948; Ord. of 3-4-1997)

State law reference—Authority to require above license and provisions similar to Subsection B, Code of Virginia, § 58.1-3728(A).

Sec. 3-41. License tax.

Unless exempt from license tax by the law of the state or this article, there shall be paid, for each day's performance or exhibition by a carnival, show, circus, menageric or other exhibition or performance referred to in section 3-40, a license tax in such amount as is prescribed by the Board of Supervisors.
(Ord. of 8-3-1948)

State law reference—Authority for above tax, Code of Virginia, § 58.1-3728(A).

Sec. 3-42. Exemptions.

A. No additional license shall be required for the privilege of selling soft drinks, confections, food, souvenirs and novelties on the grounds on which a show licensed under this article is exhibited.

B. This article shall not be construed to prohibit a resident mechanic or artist from exhibiting any production of his own art or invention without compensation, nor shall any license be required of any agricultural fair or the shows exhibited within the grounds of such fair, during the period of such fair, whether an admission is charged or not, nor of resident persons performing in a show or exhibition for charity or other benevolent purposes, nor of exhibitions of volunteer fire companies, whether an admission is charged or not. Whenever such show, exhibition or performance is given, whether exempted by the terms hereof or licensed, those engaged therein and operating under either such license or exemption shall be exempt from a license tax for performing or acting thereat.

C. The provisions of subsection B of this section shall not be construed to allow, without payment of the tax imposed by this article, a performance for charitable or benevolent purposes by a person who makes it his business to give exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such person for benevolent or charitable purposes, it being the intent and meaning of this article that every person who makes his business that of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the license tax prescribed by this article.

D. The provisions of subsection B of this section shall not be construed to allow, without the payment of the tax imposed by this article, exhibitions or performances by companies, associations, persons or corporations, other than a bona fide local association or corporation organized for the principal purpose of holding and which holds legitimate agricultural or industrial arts exhibits, who make it their business to give such exhibitions or performances, when they rent or lease fair or exhibition grounds or buildings for the purpose of giving such exhibitions or performances and exhibit therein agricultural or industrial arts products as a part of the exhibition offered.
(Ord. of 8-3-1948; Ord. of 3-4-1997)

State law reference—Similar provisions, Code of Virginia, § 58.1-3728(B).

Sec. 3-43. Exhibition of license.

The police and other authorities of the County shall not allow any performance to open until the license required by this article is exhibited to them.
(Ord. of 8-3-1948)

Chapter 4

ANIMALS AND FOWL*

Article I. In General

Article II. Animals Generally

Article III. Dog License

Article IV. Rabies Control

***Editor's note—**Changes made throughout to update the Virginia Code references.

Cross reference—Zoning Ordinance, App. A.

State law references—Comprehensive Animal Laws, Code of Virginia, §§ 3.1-796.66—3.1-796.129; authority of County to adopt ordinances paralleling such animal laws, § 3.1-796.94.

Article V. Dogs Running at Large

Article VI. Dangerous, Vicious, and Destructive Dogs

Article VII. Kennels

Article VIII. Pet Shops

Article IX. Cruelty to Animals

ARTICLE I. IN GENERAL

Sec. 4-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Cross reference—Penalty for Class 4 misdemeanor, § 1-10.

Sec. 4-2. Animal Control Officer; generally.

(a) In accordance with the Code of Virginia, there is hereby created the position of County Animal Control Officer. The Animal Control Officer shall be appointed by the Board of Supervisors. The Animal Control Officer shall enforce the provisions of this chapter and perform such other duties as may be prescribed by state law or the Board of Supervisors, under the supervision of the County Administrator.

(b) One or more deputy animal control officers may be appointed by the Board of Supervisors to assist the Animal Control Officer in the performance of the Animal Control Officer's duties, under the supervision of the Animal Control Officer appointed pursuant to subsection (a).
(Ords. of 4-3-1962, § 1; 7-6-1993; 6-2-1998)

Editor's note—Amendment of 7-6-1993 removed the word "warden" and added the words "Control Officer" to correct the title of the County position; added the words "under the County Personnel Management Plan" and deleted the words "by the Board of Supervisors" in subsection (a) in order to clarify that the Animal Control Officer is to be covered by the County's Personnel Management Plan; similar changes were made in subsection (b). Amendment of 6-2-1998 removed the words "under the County Personnel Management Plan" and added "by the Board of Supervisors" in the second sentence of subsection (a), deleted the word "He" and added "The Animal Control Officer" at the beginning of the third sentence, and added "under the supervision of the County Administrator" to the end of the same. Similar changes were made to subsection (b) to bring this section into conformance with State law.

(c) After April 1, 1999, every Animal Control Officer or Deputy Animal Control Officer shall complete the following training:

(1) Within two (2) years after appointment, a basic animal control course that has been approved by the Virginia department of criminal justice services and the state veterinarian: and

(2) Every three (3) years, additional training approved by the Virginia department of criminal justice services and the state veterinarian, fifteen (15) hours of which shall be training in animal control and protection.

Subdivision 1 of this subsection shall not apply to Animal Control Officers *or Deputy Animal Control* Officers appointed before July 1, 1998. Any Animal Control Officer or Deputy Animal Control Officer that fails to complete the training required by this subsection shall be removed from office, unless the State Veterinarian has granted additional time or an exemption.
(Ord. of 6-2-1998)

Editor's note—Amendment of 6-2-1998 added this subsection.

Sec. 4-3. Lot lines declared fences as to livestock.

The boundary lines of each lot and tract of land in the County are hereby declared to be lawful fences as to any livestock domesticated by man.
(Ord. of 3-7-1967)

Editor's note—The ordinance from which the above section is derived was adopted pursuant to, and in accord with, the provisions of the Code of Virginia, § 55-310.

Secs. 4-4—4-13. Reserved.

ARTICLE II. ANIMALS GENERALLY

Sec. 4-14. Definitions.

For the purposes of this chapter, unless otherwise required by the context, the following words and terms shall have the meanings ascribed to them in this section:

Abandon shall mean to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care set forth in this section for a period of five (5) consecutive days.

Adequate care or *care* shall mean the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropri-

ate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health, and shall include the provision of adequate exercise, adequate feed, adequate shelter, adequate space, and adequate water.

Adequate exercise or *exercise* shall mean the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed shall mean access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; as provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter shall mean provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space shall mean sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, *adequate space* means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three (3) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Adoption shall mean the transfer of ownership of a dog or cat from the County Animal Shelter to an individual.

Agricultural animals shall mean all livestock and poultry.

Ambient temperature shall mean the air temperature surrounding the animal.

Animal shall mean any nonhuman vertebrate species except fish. For the purposes of § 3.1-796.98, Virginia State Code, animal means any species susceptible to rabies. For the purposes of § 3.1-796.122, animal means any nonhuman ver-

tebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal Control Officer means a person appointed as an animal control officer or deputy animal control officer as provided in section 4-2.

Board shall mean the Board of Agriculture and Consumer Services.

Boarding establishment means a place or establishment other than the County Animal Shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

Circus shall mean any commercial variety show featuring animal acts for public entertainment.

Collar shall mean a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

Companion animal shall mean any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this chapter.

Consumer shall mean any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term *consumer* shall not include a business or corporation engaged in sales or services.

County Animal Shelter shall mean the facility operated by the County for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals and which permits animals to be adopted as provided in this chapter.

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

For the purpose of this article, no canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor shall any animal be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog.

Dealer means any person who, in the regular course of business for compensation or profit, buys, sells, transfers, except as a common carrier, exchanges or barters companion animals in the regular course for compensation or profit. Under the terms of this ordinance, persons will not be considered to be dealing for compensation or profit unless they deal in more than three (3) litters of companion animals per year.

Destructive dog shall mean any dog which has previously injured, damaged or destroyed any personal property, including personal property affixed to real estate, of a person other than the dogs owner and while not on the owner's real property.

Dog shall include all canines, hybrid canines, or wolves.

Dump means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Emergency veterinary treatment shall mean veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Enclosure shall mean a structure used to house or restrict animals from running at large.

Establishment means any publicly accessible property, premises or commercial enterprise where companion animals, being offered for sale or rent, are sold, rented or located, including but not limited to pet shops.

Euthanasia shall mean the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

Harbored shall mean fed or sheltered for three (3) consecutive days or more.

Housing facility shall mean any room, building or area used to contain a primary enclosure or enclosures.

Humane shall mean any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane investigator shall mean any person certified by a Circuit Court Judge pursuant to the Code of Virginia and authorized to enforce State statutes and County ordinances dealing with cruelty to animals.

Humane society shall mean any chartered, nonprofit organization incorporated under the laws of this Commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Injury means any superficial cut, scratch, scrape, or minor tear to the skin, or any bruise to bone or skin area. An injury shall be presumed to have occurred when a dog knocks a person to the ground or tears that person's clothing or any possession on his or her person.

Kennel shall mean any place in or at which any number of animals including but not limited to, catteries and aviary, are kept, trained, boarded or handled for a fee, the total of which fees exceed one thousand dollars ($1,000.00) per year, excepting fees charged for the primary purpose of grooming.

Kennel owner shall mean any person, firm, partnership, or corporation who engages in the business of owning or operating a kennel.

Livestock includes all domestic or domesticated; bovine animals; equine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

New owner means an individual who is legally competent to enter into a binding agreement, and who adopts or receives a dog or cat from the County Animal Shelter.

Other officer includes all persons employed by the County or elected by the people of the County whose duty it is to preserve the peace, to make arrests or to enforce the law.

Owner shall mean any person who has a right of property in an animal; keeps or harbors an animal; has an animal in his care or acts as a custodian of an animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Person shall mean an individual, or firm, partnership, company, corporation, trustee, association, or any public or private entity.

Pet shall mean any animal kept for pleasure rather than utility.

Pet shop shall mean any publicly accessible property, premises or commercial enterprise where

companion animals, being offered for sale or rent, are sold, rented or located, including but not limited to pet shops.

Poultry includes all domestic fowl and all game birds raised in captivity.

Primary enclosure shall mean any structure used to immediately restrict an animal to a limited amount of space, such as a room, tank, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Private kennel means an enclosure wherein dogs are kept, from which they cannot escape, and which is not utilized as a fee-generating kennel operation.

Properly lighted shall mean sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the housing facility, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

Sanitize shall mean to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Serious bodily injury is any bodily injury for which medical attention was sought and obtained, which involves a serious laceration requiring stitches or more than one (1) puncture wound or which is serious in the opinion of a licensed physician.

State Veterinarian shall mean the veterinarian employed by the Commissioner of Agriculture and Consumer Services.

Sterilize or *sterilization* shall mean a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Treasurer or *County Treasurer* shall mean and include the Treasurer of this County and his assistants or any other officer designated by law to collect taxes in this County.

Treatment or *adequate treatment* shall mean the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

Veterinary treatment shall mean treatment by or on the order of a duly licensed veterinarian.

Vicious dog means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or an animal control officer as authorized by local ordinance pursuant to the provisions of subsection E, that it is a dangerous dog, provided that its owner has been given notice of that finding.

For the purpose of this article, no canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor shall any animal be found to be a vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a vicious dog.

Year shall mean the calendar year, from January 1st through December 31st of each year.
(Ords. of 4-3-1962, § 2; 7-6-1993, 12-6-1994; 6-2-1998; 11-3-1999; 5-4-2004(2))

State law reference—Similar provisions, Code of Virginia, § 3.1-796.66.

Editor's note—Amendment of 7-6-1993 corrected, expanded or added definitions of animal, Animal Control Officer, ambient temperature, circus, companion animal, dangerous dog, dealer, destructive dog, housing facility, humane agent or officer, injury, kennel, kennel owner, owner, person, pet, pet shop, primary enclosure, private kennel, serious bodily injury, Treasurer or County Treasurer, and vicious dog. Amendment of 12-6-1994 expanded the definition of Kennel and added the definition of Year. Amendment of 6-2-1998 corrected, ex-

panded, or added definitions of abandon, adequate care or care, adequate exercise or exercise, adequate feed, adequate shelter, adequate space, adequate water, adoption, agricultural animals, animal, Animal Control Officer, Board, boarding establishment, collar, consumer, County Animal Shelter, dealer, dog, emergency veterinary treatment, enclosure, establishment, euthanasia, harbored, humane, humane investigator, humane society, livestock, new owner, primary enclosure, properly lighted, sanitize, State Veterinarian, sterilize or sterilization, treatment or adequate treatment, and veterinary treatment. Amendment of 11-3-1999 amended the definitions of "dangerous dog" and "vicious dog".

Sec. 4-15. Dogs and cats deemed personal property; rights relating thereto.

All dogs and cats in this County shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed, except as authorized in this article, by any person shall be entitled to recover the value thereof or the damage done thereto, in an appropriate action at law, from such person.

The Animal Control Officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the General District Court or other Court. If no such action is instituted within seven (7) days, the Animal Control Officer or other officer shall deliver the dog or cat to its owner.

The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises and the Animal Control Officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay a reasonable charge for the keep of such animal while in the possession of the Animal Control Officer.

(Ords. of 4-3-1962, § 12; 7-6-1993; 6-2-1998)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.127.

Editor's note—Amendment of 7-6-1993 corrected the title of County Animal Control Officer. Amendment of 6-2-1998 added cats to this section and modified the language throughout the section to be inclusive.

Sec. 4-16. Permitting diseased dogs or cats to stray from owner's premises.

It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises, if such disease is known to the owner.

(Ords. of 4-3-1962, § 16; 6-2-1998)

Editor's note—Amendment of 6-2-1998 amended this section to include cats.

State law references—Similar provisions, Code of Virginia, § 3.1-796.128(6); authority of County to prohibit dogs running at large, § 3.1-796.93.

Sec. 4-17. Reserved.

Editor's note—Amendment of 7-6-1993 deleted this section because of the removal by the Legislature of enabling authority from the Virginia Code.

Sec. 4-18. Dogs killing or injuring livestock or poultry.

(a) It shall be the duty of the Animal Control Officer or other officer who finds a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith, whether such dog bears a license tag or not, and any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight.

(b) Any court shall have the power to order the Animal Control Officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer.

(c) If the Animal Control Officer has reason to believe that a dog is killing livestock or poultry, he may seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section.

(d) If the Animal Control Officer or other officer has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section, he shall apply to a Magistrate of the County, who shall issue a warrant requiring the owner or custodian, if known, to appear before the General District Court at a time and place named therein, at which time

evidence shall be heard, and if it shall appear that such a dog is a livestock killer, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the Animal Control Officer, or some other officer designated by the Judge of the General District Court to act, shall do.
(Ords. of 4-3-1962, § 13; 7-6-1993)

Editor's note—Amendment of 7-6-1993 corrected title of County Animal Control Officer in subsections (a), (b), (c) and (d).

State law reference—Similar provisions, Code of Virginia, § 3.1-796.116.

Sec. 4-19. Disposal of dead companion animals.

The owner of any companion animal which has died from disease or other cause shall forthwith cremate or bury the same. If he fails to do so, after notice, the Animal Control Officer or other officer shall bury or cremate the companion animal and he may recover, on behalf of the County, from the owner, his cost for this service.
(Ords. of 4-3-1962, § 15; 7-6-1993; 6-2-1998)

Editor's note—Amendment of 7-6-1993 corrected the title of County Animal Control Officer. Amendment of 6-2-1998 deleted the word "dog" and added the words "companion animal" in the title and text of this section.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.121.

Sec. 4-20. Harboring found animals.

It shall be illegal for any person to take in and harbor any dog or cat with the intent to keep the said animal as his own or to take in and give or sell the said animal to any other person, if the owner of the animal is unknown to the person taking in the animal. Any person keeping a found animal for more than three (3) days without notifying the Animal Control Officer, Animal Shelter personnel, or the owner shall be presumed to possess the intent to keep a found animal as his own.

Any person found guilty of violating the provisions of this section shall be guilty of a Class 4 misdemeanor and subject to the penalty as provided in section 1-10 of the County Code.
(Ord. of 7-6-1993)

Editor's note—Amendment of 7-6-1993 added § 4-20 to make it a violation of local law to keep any found animal.

Secs. 4-21. Sterilization of adopted dogs and cats; enforcement; civil penalty.

(a) Every new owner of a dog or cat adopted from the County Animal Shelter shall cause the dog or cat to be sterilized pursuant to the agreement required by subdivision 2 of subsection (b) of this section.

(b) A dog or cat shall not be released for adoption from the County Animal Shelter unless:

(1) The animal has already been sterilized; or

(2) The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty (30) days of adoption, if the animal is sexually mature, or (ii) within thirty (30) days after the animal reaches six (6) months of age, if the animal is not sexually mature at the time of adoption.

(c) The County Animal Shelter may extend for thirty (30) days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the County Animal Shelter may negotiate the terms of an extension of the date by which the animal must be sterilized.

(d) Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the County Animal Shelter, and the new owner.

(e) Upon the petition of an Animal Control Officer, humane investigator, the State Veterinarian or a State Veterinarian's representative to the Culpeper County District Court of a violation of this section, the court may order the new owner to take any steps necessary to comply with the requirements of this section. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this section.

(f) Any person who violates subsection (a) or (b) of this section shall be subject to a civil penalty not to exceed fifty dollars ($50.00).
(Ord. of 6-2-1998)

Secs. 4-22—4-29. Reserved.

ARTICLE III. DOG LICENSE

Sec. 4-30. Reserved.

Editor's note—Amendment of 7-6-1993 moved definition of "Treasurer or County Treasurer" to § 4-14, Definitions.

Sec. 4-31. Required.

It shall be unlawful for any person to own a dog four (4) months old or older in this County, unless such dog is currently licensed pursuant to the provisions of this article.
(Ords. of 4-3-1962, § 3; 7-6-1993)

Editor's note—Amendment of 7-6-1993 changed 6 months to 4 months to conform to State law.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.86.

Sec. 4-32. License year.

The dog license year shall run from January 1 to December 31 of each year.
(Ord. of 4-3-1962, § 3)

Sec. 4-33. Application; applicant to be County resident.

(a) Any person may obtain a dog license by making oral or written application to the County Treasurer, accompanied by the amount of the license tax and the evidence of vaccination required by section 4-38. The Treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the County and he may require information to this effect from any applicant.

(b) It shall be unlawful for any person to make a false statement in, or present any false evidence with, an application submitted under this section, in order to secure a dog license to which he is not entitled.
(Ord. of 4-3-1962, §§ 7, 17)

State law reference—Similar provisions, Code of Virginia, §§ 3.1-796.86, 3.1-796.128(1).

Sec. 4-34. Tax imposed.

(a) An annual license tax on the ownership of dogs in this County is hereby imposed in such amount as is prescribed, from time to time, by the Board of Supervisors.

(b) No license tax shall be levied under this section on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person. As used in this subsection, "hearing dog" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner should respond.
(Ords. of 4-3-1962, § 3; 11-4-1970; 5-5-1981)

State law reference—Duty of County to impose above tax and provisions similar to Code of Virginia, § 3.1-796.87.

Sec. 4-35. Where and when tax payable.

The license tax imposed by this article shall be due and payable at the office of the County Treasurer as follows:

(1) On January 1 and not later than January 31 of each year, the owner of any dog four (4) months old or older shall pay such tax.

(2) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this County shall come into the possession of any person in this County, between January 1 and October 31 of any year, such tax for the current calendar year shall be paid forthwith by the owner.

(3) If a dog shall become four (4) months of age, or if a dog over four (4) months of age unlicensed by this County shall come into the possession of any person in this County, between November 1 and December 31 of any year, such tax for the succeeding calendar year shall be paid forthwith by the owner and the license issued shall protect the dog from the date of payment of such tax.

(Ords. of 4-3-1962, §§ 3, 4; 7-6-1993)

Editor's note—Amendment of 7-6-1993 changed 6 months to 4 months in subsections (1), (2) and (3) to conform to State law.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.88.

Sec. 4-36. Failure to pay tax when due.

It shall be unlawful for any person to fail to pay the license tax prescribed by this article when the same is due. Payment of such tax subsequent to a summons to appear before a court for failure to do

so within the time required shall not operate to relieve the owner of the dog from the penalties provided for such failure.
(Ord. of 4-3-1962, §§ 5, 17)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.128(2).

Sec. 4-37. Concealing or harboring dog on which tax not paid.

It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid.
(Ord. of 4-3-1962, § 16)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.128(7).

Sec. 4-38. Issuance, composition and contents.

(a) Upon receipt of a proper application and the prescribed license tax, the County Treasurer shall issue a dog license; provided that no such license shall be issued for any dog, unless there is presented to the Treasurer evidence satisfactory to him showing that such dog has been vaccinated as required by section 4-53.

(b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment of the tax, the year for which the license is issued, the serial number of the tag and whether the license is for a male, unsexed female or female dog or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the County, the sex of the dog and the calendar year for which issued and shall bear a serial number.
(Ords. of 6-2-1953, § 6; 4-3-1962, §§ 7, 8)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.86.

Sec. 4-39. Preservation and exhibition of license receipt; tag to be worn by dog; exceptions.

(a) A dog license receipt shall be carefully preserved by the person to whom it is issued and exhibited promptly on request for inspection by the Animal Control Officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when the dog is engaged in lawful hunting; when the dog is competing in a dog show; when the dog has a skin condition which would be exacerbated by the wearing of a collar; when the dog is confined; or when the dog is under the immediate control of its owner.

(b) Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.
(Ords. of 4-3-1962, §§ 6, 10; 7-6-1993)

Editor's note—Amendment of 7-6-1993 corrected the title of County Animal Control Officer in subsection (a).

State law reference—Similar provisions, Code of Virginia, §§ 3.1-796.92, 3.1-796.89.

Sec. 4-40. Unlawful removal of tag.

It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog.
(Ord. of 4-3-1962, § 16)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.128(8).

Sec. 4-41. Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the County Treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer that the original license tag has been lost, destroyed or stolen, the Treasurer shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The Treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be one dollar ($1.00).
(Ord. of 4-3-1962, § 9)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.91.

Sec. 4-42. Disposition of unlicensed dogs found running at large.

(a) It shall be the duty of the Animal Control Officer or other officer to capture and euthanize, by one (1) of the methods prescribed or approved by the state veterinarian, any dog of unknown ownership found running at large in the County, which dog is not currently licensed; provided, that the Animal Control Officer or other officer may deliver such dog to any person in this County who will pay the required license tax on such dog, with the understanding that, should the legal owner thereafter claim the dog and prove his ownership, he may recover such dog by paying, to the person to whom it was delivered by the Animal Control Officer or other officer, the amount of the license tax paid by such person and a reasonable charge for the keep of the dog while in his possession. Any person euthanizing a dog under this section shall cremate, bury or sanitarily dispose of the same.

(b) Prior to the disposition, by euthanasia or otherwise, of a dog under the provisions of this section, all of the provisions of § 3.1-796.96 of the Code of Virginia shall be complied with.

(Ords. of 4-3-1962, § 14; 7-6-1993)

Editor's note—Amendment 7-6-1993 corrected the title of County Animal Control Officer in subsection (a).

State law reference—Similar provisions, Code of Virginia, § 3.1-796.119.

Sec. 4-43. Animal Control Officers; records.

An Animal Control Officer or the custodian of the County Animal Shelter, upon taking custody of any animal in the course of his or her official duties, shall immediately make a record of the matter, and the record shall include a description of the animal including color, breed, sex, approximate weight, reason for seizure, location of seizure, descriptive marking or tattoo, the owner's name and address if known and all license or other identification numbers and the disposition of the animal. Records required by this section shall be available for public inspection upon request.

(Ord. of 7-5-1995)

State Code Reference—Similar provisions, Code of Virginia, § 3.1-796.105(B).

Secs. 4-44—4-52. Reserved.

ARTICLE IV. RABIES CONTROL

Sec. 4-53. Vaccination of dogs and cats.

(a) It shall be unlawful for any person to own, keep, hold, board or harbor, within the County, any dog or cat over the age of four (4) months, unless such animal has been currently vaccinated with a rabies vaccine which has been approved by the U. S. Department of Agriculture. Such vaccination shall be administered by or under the supervision of a licensed veterinarian.

(b) Any person bringing a dog or cat into the County from some other jurisdiction shall be required to conform to the provisions of this section within ten (10) days after the animal is brought into the County.

(c) When a dog or cat is vaccinated as required by this section, the veterinarian shall issue and deliver to the person having the animal vaccinated a certificate giving the sex, age, breed and a reasonable description of the dog or cat and the date of vaccination. A copy of such certificate shall be retained by the veterinarian.

(Ords. of 6-2-1953, §§ 1, 2, 4, 5; 7-6-1993)

Editor's note—Amendment of 7-6-1993 changed 6 months to 4 months in subsection (a) to conform with State law; and expanded subsections (a), (b) and (c) to include cats.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.97:1.

Sec. 4-54. Emergency ordinance requiring confinement or restraint of dogs and cats when rabid animal at large.

When there is sufficient reason to believe that a rabid animal is at large, the Board of Supervisors shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs and cats in the County to keep the same confined on their premises, unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. Any emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30)

days, unless renewed by the Board of Supervisors. It shall be unlawful for any person to violate the provisions of any such ordinance.
(Ord. of 7-6-1993)

Editor's note—Amendment of 7-6-1993 added cats to this section.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.98.

Sec. 4-55. Report of existence of rabid animal.

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the County health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.98.

Sec. 4-56. Confinement or destruction of dogs and cats showing active signs of, or suspected of having, rabies.

Dogs and cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be destroyed.
(Ord. of 7-6-1993)

Editor's note—Amendment of 7-6-1993 added cats to this section.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.98.

Sec. 4-57. Destruction or confinement of dog or cat bitten by rabid animal.

Any dog or cat bitten by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in a pound, kennel or enclosure approved by the health department, for a period not to exceed six (6) months at the expense of the owner; provided that, if the bitten animal has been vaccinated against rabies within one (1) year, the dog or cat shall be revaccinated and confined to the premises of the owner for ninety (90) days.
(Ord. of 7-6-1993)

Editor's note—Amendment of 7-6-1993 added cats to this section and expanded the revaccination confinement period to ninety (90) days.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.98.

Sec. 4-58. Confinement or destruction of animal which has bitten person.

At the discretion of the Health Officer, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time; provided that, a seriously injured or sick animal may be humanely euthanized and its head sent to the state health department for evaluation.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.98.

Sec. 4-59. Concealing or harboring animal to prevent its destruction or confinement under article.

It shall be unlawful for any person to conceal or harbor any dog, cat or other animal to prevent the same from being destroyed or confined in accord with this article.
(Ords. of 4-3-1962, § 16; 7-6-1993)

Editor's note—Amendment of 7-6-1993 included cats in this section.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.128(4).

Secs. 4-60—4-69. Reserved.

ARTICLE V. DOGS RUNNING AT LARGE

Sec. 4-70. Dogs running at large.

(a) No dogs shall run at large in the County. Any person, after having been notified by any person, animal control officer, or other officer of the law that the dog is running at large in the County, shall be in violation of this section. For the purposes of this section, a dog shall be deemed to be "running at large" when off the property or premises of its owner, possessor or custodian and not under the control of the owner, possessor or custodian, either by leash, cord or chain.

(b) This section shall not apply to any dog or pack of dogs, or any dog owner, possessor or custodian while engaged in (1) law enforcement operations or training, (2) search and rescue operations or training for such activity by the members of any agency or organization recognized by the County as a bona fide search and rescue

operation, (3) lawful hunting and dog retrieval as provided in Title 29.1 and § 18.2-136 of the Code of Virginia, 1950, as amended, or any field trial authorized by the department of game and inland fisheries, or any lawful training for hunting or field trials, or (4) any formally organized dog show or competition, or any training in obedience or in preparation for any show or competition.

(c) This section shall not apply in any Agricultural and Forestal district created pursuant to Article 8E of the Culpeper County Zoning Ordinance.

(d) A violation of this section shall be punishable as a Class 4 misdemeanor; provided, however, if the dog has been declared a dangerous or vicious dog in accordance with County Code section 4-92, Dangerous and Vicious Dogs, a violation of this section shall constitute a Class 1 misdemeanor.

(Ords. of 8-6-1985, 9-5-2000)

Editor's note—The ordinance of 9-5-2000 rewrote section 4-70 to make it illegal for dogs to run at large anywhere in the County, except as noted in subsections (b) and (c), and repealed sections 4-71 through 4-73 below.

State law reference—Similar provisions, Code of Virginia, § 3.1-796.93.

Secs. 4-71—4-73. Reserved.

Editor's note—See editor's note following section 4-70 above.

Secs. 4-74—4-84. Reserved.

ARTICLE VI. DANGEROUS, VICIOUS, AND DESTRUCTIVE DOGS

Secs. 4-85—4-90. Repealed.

Editor's note—The ordinance of 11-3-1999 repealed previous provisions relating to dangerous and vicious dogs and replaced them with section 4-92.

Sec. 4-91. Destructive dog.

(a) It shall be unlawful for any owner or person responsible for a dog to allow any destructive dog to run at large beyond the boundary of that person's property.

(b) An owner or person responsible for a dog shall be presumed to have knowledge of that animal's destructive tendencies if notified in writing of actions by the animal which would cause a reasonable person to consider the animal destructive as defined herein.

(c) Nothing herein shall make unlawful:

(1) A dog damaging or destroying its owner's property.

(2) A dog damaging personal property of another if that property is on the real property of the animal's owner.

(3) A dog biting or attacking a person or animal if in the defense of another or in self-defense.

(4) A dog biting or attacking a wild animal.

(5) A destructive dog running at large on the property of its owner or other person responsible for it.

(Ord. of 7-6-1993)

Sec. 4-92. Dangerous and vicious dogs.

(a) As used in this section:

(1) Any Animal Control Officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if know, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Control Officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Animal Control Officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If,

after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119.

(2) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(3) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the Animal Control Officer for a fee of fifty dollars ($50.00) in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to the subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(4) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates of renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(5) While on the property of its' owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animals or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(6) If the owner of an animal found to be a dangerous dog is a minor, the custodial

parent of legal guardian shall be responsible for complying with all requirements of this section.

(7) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of the same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

(8) The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.

(9) All fees collected pursuant to the ordinance, less the costs incurred by the Animal Control Authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.1-796.104:1.

(b) Any ordinance enacted pursuant to this section may prescribe the following provisions.

(1) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(2) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least fifty thousand dollars ($50,000.00) that covers animal bites.

(c) Notwithstanding the provisions of section 4-92, any ordinance enacted pursuant to this section may provide that an animal control officer may determine, after investigation, whether a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

(d) The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements if this ordinance shall be guilty of a Class 1 misdemeanor and shall be punished accordingly. Further, the General District Court, upon finding that this section has been willfully violated, may order the Culpeper County Department of Animal Services to impound and humanely euthanize the animal in accordance with the provisions of § 3.1-796.119 of the Code of Virginia (1950), as amended.

(e) All fees collected pursuant to this section, less the costs incurred by the Culpeper County Department of Animal Services in producing and distributing the certificates and tags required by this section, shall be paid into a special fund in the treasury of the County for the purpose of paying the expenses of any training course required under § 3.1-796.105 of the Code of Virginia (1950), as amended.

(f) Notwithstanding the provisions of subsection (a), any animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.
(Ords. of 11-3-1999; 5-4-2004(2))

Secs. 4-93—4-101. Reserved.

State law reference—Similar provisions in this article found in Code of Virginia, §§ 3.1-796.100 et seq.

ARTICLE VII. KENNELS

Sec. 4-102. Reserved.

Sec. 4-103. Minimum standards; feeding.

All kennel animals shall be provided with sufficient, wholesome food and fresh water, free from contamination. Such food and water shall be

of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of each animal.
(Ord. of 7-6-1993)

Sec. 4-104. Minimum standards; health of the animals.

(a) All kennel animals shall have fresh water available at all times. Water vessels shall be of the removable type and shall be mounted or secured in a manner that prevents tipping. Adequate provisions shall be made to assure daily exercise for each animal kept in the kennel.

(b) Sick or diseased animals in a kennel shall be properly cared for and isolated at all times from any healthy animal and shall be kept segregated so as to prevent the illness or disease from being transmitted to any other animal or individual. Veterinary care to treat illness and to prevent suffering shall be provided by the kennel owner.

(c) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.
(Ord. of 7-6-1993)

Sec. 4-105. Minimum standards; buildings and enclosures of kennels.

(a) All kennel buildings and enclosures shall provide adequate protection against weather extremes for each animal. The floors and walls of all such enclosures and buildings, as well as the runs, shall be of a surface material to permit proper cleaning and disinfecting. Building temperature shall be maintained at a level comfortable for each animal. Each such building and enclosure shall provide adequate ventilation for each animal and shall be kept clean, dry and in a sanitary condition.

(b) Animals shall be maintained in quarters so as to prevent their escape.
(Ords. of 7-6-1993, 9-5-1995)

Editor's note—The amendment of 9-5-1995 deleted the sentence "Plywood or other similar wood products shall be acceptable for use in kennel buildings, including enclosures and runs."

Sec. 4-106. Minimum standards; cages and runs.

(a) Each kennel animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of its cage.

(b) Cages are to be of a material and construction that allow for cleaning and sanitizing.

(c) Cage floors of concrete shall have a resting board or other adequate bedding.

(d) Runs shall be of sufficiently large size to provide an adequate exercise area and shall provide adequate weather protection.
(Ord. of 7-6-1993)

Sec. 4-107. Compliance with minimum standards; enforcing agency.

(a) It shall be unlawful for the owner of any kennel to fail to comply with any of the minimum standards set forth in this article.

(b) The County Administrator or designee shall be considered as the enforcing officer of this article and shall have the authority to inspect the premises of the kennel at a reasonable time and in a reasonable manner to assure compliance with the provisions of this article. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized warrant.

(c) The County Administrator or designee may promulgate such written rules and regulations as may be reasonably necessary for the administration of the provisions of this article.

(d) It is further provided that nothing in this article shall preclude compliance with the provisions of the County Zoning Ordinance.
(Ord. of 7-6-1993)

Sec. 4-108. Violation of article; penalties.

Any owner violating any of the provisions of this article shall be deemed guilty of a Class 4 misdemeanor and shall be subject to the penalties provided in section 1-10 of the County Code; except that for all subsequent violations of this article within a one-year period from the date of any previous violations, he shall be deemed guilty

of a Class 3 misdemeanor and subject to the penalties as provided in section 1-10 of the County Code.
(Ord. of 7-6-1993)

Sec. 4-109. Permit fees.

It shall be unlawful for any kennel to operate within Culpeper County without a valid permit issued by the County Administrator or designee. The permit fee for a kennel shall be twenty-five dollars ($25.00) per year. The permit shall be issued by the County Administrator or designee upon payment of the permit fee if the kennel meets all the requirements of this article. Such a permit shall not be transferable and shall be posted in a conspicuous place within the kennel facility.
(Ords. of 7-6-1993, 7-2-1996)

Sec. 4-110. Inspection of records by County Administrator.

The County Administrator or designee shall be permitted to examine the records of the kennel to obtain pertinent information pertaining but not limited to the keeping, training, breeding, boarding, handling or transferring of custody or ownership of any animal. When permission is refused or cannot be obtained, inspections may be conducted upon obtaining a lawfully authorized warrant or compulsory process.
(Ord. of 7-6-1993)

Sec. 4-111. Seizure and impoundment.

Animals found not being provided with adequate food, water, shelter or care by the kennel owner under provisions of this chapter shall be subject to immediate seizure and impoundment by the Animal Control Officer or any administrative official charged with the enforcement of this article. The Animal Control Officer shall make every reasonable effort to notify the animal owner of the seizure of the animal from the kennel owner.

The animal(s) may be returned to the animal owner, held at the animal shelter or veterinary clinic pending court ruling, or sold or humanely euthanized as provided by § 3.1-796.96 of the Code of Virginia. Such failure by the kennel owner shall also constitute grounds for revocation of permit provided for in section 4-109. Any funds that result from such sale shall be used first to pay the cost of the County of Culpeper for the impoundment and disposition of the animals, and any funds remaining shall be paid to the animal owner, if known. In the event that the owner is not found, the remaining funds shall remain in the County.
(Ord. of 7-6-1993)

State law reference—Similar provisions in this article found in Code of Virginia, §§ 3.1-796.83:1:2.

Secs. 4-112—4-121. Reserved.

ARTICLE VIII. PET SHOPS

Sec. 4-122. Exemptions.

All dogs which are housed in a kennel, as defined in section 4-14 of article II, Animals Generally, and all establishments which are exempted by virtue of section 4-102 of article VII, Kennels, shall be exempt from the provisions of this article.
(Ord. of 7-6-1993)

Sec. 4-123. Permit to operate required.

It shall be unlawful for any person to operate a pet shop or act as a dealer in companion animals in the County who does not possess a valid permit issued by the County Administrator. Only a person who complies with the requirements of this article shall be entitled to receive or retain such permit. The permit fee for a pet shop or premises of a dealer shall be twenty-five dollars ($25.00) per year or part thereof. The permit shall be issued by the County Administrator upon payment of the permit fee. Application for the permit shall be submitted annually by January 1 of each year and a new permit obtained by January 31 of each year. The fee for a permit shall not be prorated, and the permit shall not be transferable. Such a permit shall be posted in a conspicuous space on the premises.
(Ord. of 7-6-1993)

Sec. 4-124. Issuance of a permit.

(a) Any person desiring to operate a pet shop or act as a dealer in companion animals shall make written application for a permit on forms provided by the County Administrator. Such application shall include the name and address of the owner, the location of the proposed shop or premises of a dealer and type of animals proposed for sale, an emergency telephone number where the owner/manager may be reached and the signature of the applicant.

(b) Prior to approval of an application for a permit, the County Administrator or designee shall inspect the proposed pet shop or premises of the dealer to determine compliance with the requirements of this article.

(c) The County Administrator shall issue a permit to the applicant if the inspection reveals that the proposed pet shop or premises of the dealer complies with the requirements of this article.
(Ord. of 7-6-1993)

Sec. 4-125. Enforcement.

(a) Penalty. A person violating this article shall be guilty of a Class 3 misdemeanor and shall be subject to the penalties as provided in section 1-10 of this Code.

(b) Violation. It shall be unlawful for any person, firm, corporation or association to violate any provisions of this article.

(c) It is further provided that nothing in this article shall preclude compliance with the provisions of the Zoning Ordinance of the Culpeper County Code.
(Ord. of 7-6-1993, 4-9-1996)

Sec. 4-126. Approval of plans by County Administrator.

When a pet shop or the premises of a dealer is hereafter constructed or extensively remodeled or when an existing structure is converted for use as a pet shop, properly prepared plans and specifications for such construction, remodeling or alteration, showing all details as to layout, entrances, partitions, window openings, ventilation, animal enclosures, storerooms, grooming areas, toilets, water supply, waste connections, sanitary equipment and other such details as may be required may be submitted to the County Administrator or designee for approval before such work is begun to ensure compliance with the provisions of this chapter.
(Ord. of 7-6-1993)

Sec. 4-127. Suspension or revocation of permits.

(a) Suspension of permit. In addition to the provisions of section 4-125, whenever the County Administrator or designee finds a violation of this article, including but not limited to unsanitary conditions, inhumane treatment of animals, or other conditions in the operation of a pet shop or the premises of a dealer which constitutes a substantial hazard to health, safety, or well-being of the animals or to the public health, the County Administrator may, without warning, notice or hearing, issue a written notice to the permit holder or operator, citing such conditions, specifying the corrective action to be taken, and qualifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended and the sale of animals is to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the County Administrator shall be afforded a hearing within five (5) work days.

(b) Reinstatement of suspended permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five (5) work days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the County Administrator or designee shall make a reinspection. If the applicant is found to be complying with the requirements of this article, the permit shall be reinstated.

(c) Revocation of permits. For serious or flagrant violations of any of the requirements of this article, or for interference with the County Ad-

ministrator in the performance of his duties, the permit may be revoked after an opportunity for a hearing has been provided by the County Administrator. Prior to such action, the County Administrator shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising service of such notice unless a request for a hearing is filed with the County Administrator, by the permit holder, within a five (5) day period from service of notice, in which case the permit will be revoked. An owner whose permit has been revoked may reapply for a permit two (2) years or more after the date of revocation.
(Ord. of 7-6-1993)

Sec. 4-128. Failure of pet shop operator or dealer to provide adequate care, etc.

It shall be unlawful for persons who operate a pet shop or act as a dealer as defined in this article to fail to provide adequate care for animals in their possession or custody as provided for in this article. Dogs and cats must be exercised outside the primary cage at least once daily. Such animals shall be subject to immediate seizure and impoundment; and upon conviction of the person, the animals may be sold or humanely euthanized as provided by § 3.1-796.96 of the Code of Virginia. Such failure shall also constitute grounds for revocation of the pet shop permit provided for in section 4-126(c). Any funds that result from such sale shall be used first to pay the cost of the County of Culpeper for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. In the event that the owner is not found, the remaining funds shall remain in the County.
(Ords. of 7-6-1993; 6-2-1998)

Editor's note—Amendment of 6-2-1998 deleted the phrase "adequately house, feed, water, exercise, or care" and substituted the phrase "provide adequate care" in the first sentence.

Sec. 4-129. Access to establishments.

The County Administrator or designee, after proper identification, shall be permitted to enter at any reasonable time or under emergency conditions any pet shop or premises of a dealer within the County for the purpose of making inspections to determine compliance with this article. The County Administrator or designee shall be permitted to examine the records of the pet shop or dealer to obtain pertinent information pertaining to purchases, sales, name and address of persons employed. When permission is refused or cannot be obtained, inspections may be conducted upon obtaining a lawfully authorized warrant or compulsory process.
(Ord. of 7-6-1993)

Sec. 4-130. Housing facilities.

(a) Buildings or leasehold shall be structurally sound and maintained in good repair so as to ensure protection of animals from injury.

(b) The floors, walls and ceiling shall be kept clean and in good repair.

(c) Floor and wall areas which are continuously subjected to splash and moisture shall have washable surfaces and be easily cleanable.

(d) The building shall be provided with a safe heating apparatus capable of sufficiently heating the animal housing facilities when necessary to protect the animals from cold, and to provide for their health and comfort. The ambient temperature shall be consistent with the generally accepted requirements of the species. Temperature of rooms where birds are housed shall be maintained at a temperature adequate for the species but no less than 65° F (18° C).

(e) Housing for animals shall be adequately ventilated to provide for the health and comfort of animals at all times. The maximum ambient temperature for animals shall be 85° F (29.4° C). Ventilation shall be deemed adequate only if auxiliary ventilation, such as exhaust fans, vents, and air conditioning, is provided. Animals shall be provided with fresh air; and the animal housing facility shall be ventilated to minimize drafts, odors and moisture condensation.

(f) The pet shop facility or premises of a dealer shall be properly lighted. Such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning. Primary enclosures shall be so placed as to protect the animals from excessive illumination.

(Ords. of 7-6-1993; 6-2-1998)

Editor's note—Amendment of 6-2-1998 deleted the phrase "have adequate natural or artificial light" from the end of the first sentence, substituting the phrase "be properly lighted".

Sec. 4-131. Food, bedding and refrigeration.

Food supplies and bedding materials shall be stored and adequately protected against infestation and contamination which would render the food unfit for consumption or bedding unclean. Refrigeration adequate to prevent spoilage shall be provided for perishable food and, when necessary, for medication.
(Ord. of 7-6-1993)

Sec. 4-132. Waste disposal.

Provisions shall be made for the removal and disposal of animal and food waste, bedding, dead animals and debris. All garbage and rubbish containing animals or food waste, bedding or dead animals shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids when not in continuous use. All other rubbish shall be disposed of in an approved manner. All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a nuisance.
(Ord. of 7-6-1993)

Sec. 4-133. Drainage.

A suitable method shall be provided to rapidly eliminate excess water from the indoor housing facilities.
(Ord. of 7-6-1993)

Sec. 4-134. Sewage disposal.

All sewage shall be disposed of in a public sewage system, or, in the absence thereof, in a manner approved by the County Administrator.
(Ord. of 7-6-1993)

Sec. 4-135. Plumbing.

All plumbing fixtures and appurtenances must be maintained in good working condition.
(Ord. of 7-6-1993)

Sec. 4-136. Vermin control.

Effective measures shall be taken to protect against the entrance of vermin into the pet shop and the breeding or presence on the premises.
(Ord. of 7-6-1993)

Sec. 4-137. Washrooms, sinks, etc.

Facilities, such as toilet facilities and hand basin, including soap and disposable paper towels, shall be provided and be conveniently accessible to employees. An adequate sink supplied with hot and cold water for washing and sanitizing the equipment shall be provided. Such facilities shall be kept in a clean condition and in good repair.
(Ord. of 7-6-1993)

Sec. 4-138. Sanitation, etc.

Living and sleeping quarters and places where food and drink for human consumption are served or stored shall be completely separated from the physical facilities housing animals. Storage of animal food shall be separated from the animal bathing and grooming areas.

Birds shall not be housed in the same area where food for humans is handled, stored, processed or served, unless such birds are kept in a separate enclosure which is vented to outside air; screening shall not be considered a complete enclosure.
(Ord. of 7-6-1993)

Sec. 4-139. Grooming facilities.

Facilities used in connection with the grooming and/or bathing of animals, such as grooming tables, bathing tubs, and grooming tools, etc., shall be kept clean. Grooming tables shall be cleaned and sanitized between use.
(Ord. of 7-6-1993)

Sec. 4-140. Primary enclosure.

(a) A primary enclosure shall be provided for each animal; and two (2) or more animals of the same species may be housed together if the enclosure meets the criteria set forth herein for that animal.

(b) Primary enclosures shall be structurally sound and maintained in good repair to protect animals. They shall be constructed and maintained so as to enable the animals to remain dry and clean when appropriate for the species. Walls and floors shall be impervious to urine and other moisture.

(c) The floors of the primary enclosure shall be constructed so as to protect the animals' feet and legs from injury. Primary enclosure for animals, except cats, may have wire or grid flooring, provided that the gauge of the wire or grid material is of adequate size to support the animal and to prevent sagging under the weight of the animal and provided that the mesh openings are of a suitable size for the age and species of the animal. Wire or grid flooring for animals (quadrupeds), except cats, shall have mesh openings of such size as to prevent the animals' feet from passing through the openings. Cages for dogs with wire flooring shall have at least twenty-five percent (25%) of the floor area covered with a solid, impervious material. Primary enclosures for cats shall have solid floors.

(d) Each primary enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit or lie in a comfortable position. The minimum height of an enclosure for a dog shall be the height of the dog at the top of the head plus six (6) inches, and the minimum length of the enclosure for a dog will be the length of the dog from the tip of the nose to base of the tail plus at least six (6) inches. Containing a dog by means of tying or chaining shall not be permitted, except that a dog may be restrained when grooming if the chain is placed or attached to a well-fitted collar.

(e) A primary enclosure for a cat shall have a litter pan, made from nonabsorbent material, or disposable pans containing sufficient clean litter to contain the excreta. Primary enclosures housing more than one (1) cat shall provide an elevated solid resting surface or surfaces, which shall be of adequate size to comfortably hold the occupants.

(f) All cages and enclosures used for holding birds shall be of metal or nonabsorbent construction, readily cleanable, and elevated at a distance of not less than twelve (12) inches from the floor; except that full flight cages may be less than twelve (12) inches from the floor, if the cage or enclosure is located so it is not subject to drafts or sudden changes in ambient temperature. Excreta shall be removed from the cages at least daily and disinfected at least weekly. Each bird case shall contain an adequate number of perches for every bird confined therein; except that perches will not be required in cages housing species of ground-dwelling birds, or other species where the use of perches would be detrimental to the birds' well-being.

(g) Housing facilities and primary enclosures for fish, reptiles, amphibians, small rodents and insects shall be kept clean so as to reduce disease hazards and odors. Housing facilities and primary enclosures for all other animals, including, but not limited to, dogs and cats, shall be cleaned a minimum of once each twenty-four-hour period and more frequently as may be necessary to reduce disease hazards, odors and discomfort of the animals.

(h) Primary enclosures for dogs and cats shall be sanitized at intervals not to exceed forty-eight (48) hours or as often as necessary to prevent contamination of animals contained therein, or spread of disease. Sanitizing shall be by washing the surfaces with a detergent solution followed by the application of a safe and effective disinfectant.

(i) For purposes of health and sanitation, fish tanks or aquariums shall be equipped with an efficient filtration system. The water temperature in a fish tank or aquarium shall be maintained at a constant level appropriate for the fish contained therein, except that certain species of pond-dwelling fish may be kept in fish bowls which do not have filtration systems, provided that the water is changed with such frequency that it does not become deleterious to the well-being of the fish. Each fish tank containing warm-water fish shall be maintained at a temperature appropriate for the species.

(j) Cages or tanks in which turtles of the amphibious type are confined must contain an amount of water sufficient for each turtle to drink and moisten itself. The floor area of tanks in which turtles are confined must contain a dry area sufficient for each turtle therein; except that certain species of turtles, such as marine species, which normally would not require a dry area for their well-being will not be required to have a dry area provided for them.
(Ord. of 7-6-1993)

Sec. 4-141. Nutrition.

All animals shall be supplied with sufficient, wholesome food and water, free from contamination, and which food and water shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of each animal.

(a) Water. Fresh, potable water shall be available at all times unless veterinary orders indicate to the contrary.

(b) Food. Animals other than certain reptiles shall be fed at least once each twenty-four (24) hours, including Sundays and holidays, except as otherwise might be prescribed by a licensed veterinarian. Reptiles shall be fed in accordance with the customary feeding habits of the species. Puppies and kittens under four (4) months of age shall have food continuously available or be fed at least three (3) times in each twenty-four-hour period. An adequate supply of fresh food shall be available to birds and small rodents at all times, unless veterinarian instructions are to the contrary.

(c) Food and water receptacles. Each feeding pan shall be durable and shall be sanitized daily. Self-feeders may be used for the feeding of dry food provided they are durable and are cleaned and sanitized regularly to prevent molding or caking of food. If disposable food receptacles are used, they must be discarded after each feeding. Water vessels shall be designed to provide and dispense adequate quantities of water for the particular species, shall be placed in such a way to prevent spillage, and shall be cleaned and sanitized at least once each day, except that sipper-tube type water bottles, if used, shall be kept clean and sanitized regularly, kept free of dirt, debris and algae, and shall be cleaned and sanitized prior to an animal's being placed in a primary enclosure.
(Ord. of 7-6-1993)

Sec. 4-142. Health of animals.

(a) It shall be the obligation of every operator or dealer to assure that the health condition of each animal shall be observed daily by a person competent to recognize and evaluate general symptoms of sick or diseased animals, including but not limited to listlessness, unthriftiness, loss of condition, rough hair coat, loss of weight, failure to eat or decreased appetite, diarrhea, eye or nasal discharge, labored or distressed breathing, conjunctivitis, prostration, skin lesions or loss of hair, elevated body temperature, pulse rate and respiration rate.

Any animal that is suspected, believed or known to be sick, diseased, injured, lame or blind shall be provided with immediate and adequate veterinary care; or such animal may be disposed of by humane euthanasia as performed, or instructed by an individual licensed to practice veterinary medicine in the Commonwealth of Virginia.

The method of humane euthanasia must be as approved by the Virginia State Veterinarian except that small rodents, birds, reptiles, fish and amphibians may be euthanized by a method recommended by the Humane Society of the United States.

(b) Dogs shall be properly immunized for distemper, hepatitis and leptospirosis as is appropriate with the age of the animal. Cats shall be immunized for feline distemper (panleukopenia, pneumonitis and rhinotrachcitis) as is appropriate with the age of the animal. A written record of such immunizations shall be provided to the purchaser at the time of sale.

(c) The pet shop should provide the purchaser of an animal with written instruction on the care and feeding of the animal purchased.

(d) Any animal that is suspected, believed or known to have, or to exhibit symptoms of having, an infection, disease or illness, or exhibits symptoms of clinical illness due to malnutrition or parasitism, shall not be sold or transferred unless the purchaser is provided written information stating when the animal had the illness, nature of treatment and by whom.

(e) Any animal which is capable of transmitting an infectious agent shall be isolated at all times in a manner to prevent spread of the disease to healthy animals.

(f) Dogs and cats under eight (8) weeks of age shall not be displayed by pet shops or sold by pet shops or dealers.

(g) Any animal which is under quarantine or treatment for a communicable disease shall be separated from other animals susceptible to such disease in such a manner as to minimize dissemination of such disease.

(h) Birds which appear to manifest clinical evidence of disease, including, but not limited to, diarrhea, nasal discharge, depression, dry or brittle feathers, shall be immediately separated from healthy birds by means of separate cages. Whenever the County Administrator or designee determines that psittacosis exists in any bird housing facility or establishment handling such birds, the County Administrator is empowered to proceed to abate, correct and end such public health menaces.

(i) The County Administrator or designee may order quarantine on the premises or housing facilities in which animals are known to be exposed or exhibit symptoms of having infectious and contagious diseases.

Quarantine shall be removed when, at the discretion of the County Administrator or designee, the disease conditions for which quarantined are no longer evident and the apparent health of the animals indicate absence of contagious disease.
(Ord. of 7-6-1993)

Sec. 4-143. Pest control program.

An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained whenever necessary to maintain adequate health standards.
(Ord. of 7-6-1993)

State law reference—Similar provisions in this article found in Code of Virginia, §§ 3.1-796.78—3.1-796.83, Sales of Dogs and Cats by Dealers.

Secs. 4-144—4-152. Reserved.

ARTICLE IX. CRUELTY TO ANIMALS

Sec. 4-153. Cruelty of animals; penalty.

(a) Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bonafide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor.

(b) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bonafide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself for another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale,

show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship solely for therapeutic purposes; (iii) instigates, engages in, or in anyway furthers any act of cruelty to any animal set forth in clause (i); or (iv) causes any of the actions described in clauses (i) and (iii) of this subsection, or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection (a), shall be guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection (a) resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was the direct result of a violation of this subsection or subsection (a).

(c) Any person who abandons or dumps any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor.

(d) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(e) For the purposes of this section and § 3.1-796.111, 3.1-796.113, 3.1-796.114, 3.1-796.115, and 3.1-796.125, the word animal shall be construed to include birds and fowl.

(f) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including, but not limited to Title 29.1, or to farming activities as provided under this title or regulations promulgated thereto.

(g) In addition to the penalties provided in subsection (a), the court may, in its discretion, require any person convicted of a violation of subsection (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

(h) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection shall constitute a Class 1 misdemeanor. A second or subsequent violation of this subsection shall constitute a Class 6 felony.

(i) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bonafide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a Class 6 felony. The provisions of this subsection shall not overrule § 3.1-796.93:1 or § 3.796.116.
(Ords. of 6-2-1998; 5-4-2004(2))

Editor's note—Amendment of 6-2-1998 deleted the word "sustenance" from the second clause of the first sentence of subsection (a), added the words "or emergency veterinary treatment" in the same sentence, and added the last sentence to subsection (a). subsections (c) and (d) were also added with this same amendment.

Sec. 4-154. Organized dogfighting; penalty.

(a) No person shall knowingly do any of the following:

(1) Promote, engage in, or be employed in the organized fighting of dogs;

(2) Wager money or anything of value on the result of such organized fighting;

(3) Receive money for the admission of another person to a place kept for organized dogfighting.

(b) Any Animal Control Officer shall confiscate any dogs that have been, are, or are intended to be used in organized dogfighting and any equipment used in training such dogs or as part of organized dogfights.

Any person who violates any provision of this section shall be guilty of a Class 6 felony.
(Ord. of 6-2-1998)

Secs. 4-155—4-163. Reserved.

Chapter 4A

AUTHORITIES

Article I. General

Secs. 4A-1—4A-19. Reserved.

Article II. Community Development Authorities

ARTICLE I. GENERAL

Secs. 4A-1—4A-19. Reserved.

ARTICLE II. COMMUNITY DEVELOPMENT AUTHORITIES*

Sec. 4A-20. Community Development Authorities; general.

The Board of Supervisors of Culpeper County, Virginia (the "Board" or the "County") has determined that under certain circumstances, the creation of a Community Development Authority ("CDA") can further the economic development/quality growth goals of the County, and be a fiscal benefit to the County. Of equal importance to the Board is that CDA obligations do not bear the full faith and credit of the County, and that no general fund revenues be committed. This ordinance is designed to insure that these Board goals are met, and is adopted pursuant to Article 6, Chapter 5.1, Title 15.2 of the Code of Virginia, 1950, as amended.

Sec. 4A-21. Projects must advance economic development and be a fiscal benefit.

All proposed projects or purposes for establishing a CDA must meet the following standards, in the determination of the Board of Supervisors:

(a) The projects or purposes of the CDA must advance the County's economic development/quality growth goals as adopted by the Board of Supervisors, and to that end, no CDA shall finance any infrastructure which will solely serve residential development; and

(b) The projects or purposes of the CDA should demonstrate an overall fiscal benefit to the County at each phase of development, considering all sources of revenue to the County from the proposed projects and other sources of revenue or capital improvements such as proposed construction of capital improvements or dedications of real property or otherwise, and the possible fiscal impact upon the County of the project including demand to construct additional roads, schools, utilities and other capital improvements and the need to provide additional governmental services.

Sec. 4A-22. Description of project and CDA petition.

The petitioners shall submit for County staff review, prior to petitioning the Board of Supervisors for action, a plan of the proposed CDA. This submission must include as a minimum:

(a) a draft of the CDA's petition to the Board of Supervisors,

(b) a map and description of district boundaries and properties served,

(c) a general development plan of the district,

(d) proposed district services and infrastructure including probable cost,

(e) a preliminary feasibility analysis (showing project phasing, if applicable, and projected land absorption within the district),

(f) a schedule of proposed CDA financings and their purpose,

(g) a discussion of the CDA's proposed financing structure and how debt service is to be paid,

(h) the methodology for determining special assessments within the district, if any,

(i) a complete identification of and discussion about the developers and/or property owners, including without limitation, the petitioner's parent corporation and other affiliates (if any), the petitioner's partners or corporate structure, how long petitioner has been in business, petitioner's financial statements, and a detailed description of petitioner's experience in similar developments.

In addition, the submission shall include a description of the benefits which can be expected

*This Article II, Community Development Authorities, was adopted by the Board of Supervisors pursuant to the Ordinance of 12-7-1999.

from the services and facilities provided by the CDA, and a detailed discussion of how the project or purpose for creating the CDA meets the standards of the foregoing section. The petitioner shall address and respond in writing to the comments by staff upon the draft petition. Failure to make changes requested by staff may result in a staff recommendation against the creation of the CDA. The County shall not accept, process or consider a petition which does not meet the mandatory requirements of this article.

Sec. 4A-23. Consistency with County planning documents.

The petitioner must demonstrate that the project or purpose for establishing the CDA is consistent with the County Comprehensive Plan, Zoning Ordinance (including the existing zoning map), and, if applicable, the Capital Improvements Program. The Planning Commission shall review all petitions and give its recommendation to the County regarding compliance with this section within sixty (60) days following filing of the completed petition. The Board may later re-refer any petition for further review.

Sec. 4A-24. Impact on County bond rating.

The CDA, either individually or when considered in aggregate with previously approved CDAs, shall not have a negative impact on the County's debt capacity or credit rating. Recognizing that property owners have a limitation to how much they can be taxed, and that a special tax assessment impacts the County's potential tax base and may adversely impact the County's ability to raise taxes to pay its obligations, a petition which calls for a special tax assessment will only be granted if an adequate portion of the proposed development's infrastructure or debt resulting therefrom will be paid by means other than the special tax assessment, whether by traditional financing, cash infusion by petitioner or its affiliates, partners or investors, or through pro-rata assessments (per-lot or per-parcel), some other source, or a combination of any of the above means. The precise alternate means shall be identified in the petition. Total outstanding overlapping debt within Culpeper County, including the aggregate outstanding debt of all CDAs shall not exceed three-quarters of one percent (0.75%) of the total assessed value of taxable property within the County.

Sec. 4A-25. Project review and analysis.

A financial and land use assessment performed by the petitioner or its agents and provided to the County with the petition must demonstrate that the CDA's proposed development and business plan is sound; that the developer's or property owner's financial resources are sufficient to sustain the projects proposed financing; that the developers, property owners, and/or underwriting team have the necessary experience and ability to complete the proposed development; that the area within the proposed CDA boundary is sufficiently large to accomplish the project or purpose for establishing the CDA; and that the proposed project or purpose for establishing a CDA is economically feasible and has a high likelihood of success. The analysis must confirm why establishing a CDA is superior to other financing mechanisms from a public interest perspective.

Sec. 4A-26. Petitioner to pay County costs.

The petitioner shall deposit in advance funds sufficient to cover the County's costs (including staff time) for all investigation, review and analysis of the petition and the proposed CDA. The County staff shall give the petitioner an estimate of County costs in advance of the filing of the petition. The County's estimated costs shall be itemized to show anticipated engineering, legal, consultant and other fees.

Under no circumstances may the costs paid by the petitioner under this section exceed twenty-five thousand dollars ($25,000.00), or one and one-half percent (1½%) of the estimated assessed value of the CDA development upon completion, whichever is less. The County may not expend more than its actual costs from the amount deposited by petitioner; any unspent and unencumbered excess is to be returned to the petitioner upon final decision by the County or withdrawal of the petition.

Sec. 4A-27. Memorandum of understanding.

Prior to approval of the petition and creation of any CDA by the Board of Supervisors, the peti-

tioner shall enter into a Memorandum of Understanding with the Board of Supervisors, binding upon and acceptable to both parties, setting forth, at a minimum, the following:

(a) the business plan of the CDA;

(b) the level, quality and type of public facilities and/or infrastructure to be included;

(c) protections for the benefit of the County with respect to completion of public infrastructure, repayment of debt, incorporation, and annexation (if applicable), including without limitation hold harmless/indemnification, bonds, letters of credit, insurance, or other security acceptable to the County;

(d) protections for the benefit of individual lot/parcel owners within the CDA's boundaries with respect to claims for additional assessments should their respective assessment be paid or is current, and with respect to any other claims arising from the acts or omissions of the petitioner or petitioner's agents;

(e) language to the effect that, if the CDA requests the County to levy a special tax on its property owners, the CDA will pay the County for the costs to levy and collect the special tax and any other ongoing administrative costs of the County;

(f) provisions under which utilities, roads and other capital improvements constructed by the CDA may be conveyed to the County or other public ownership; and

(g) provisions for provision of staff support for the CDA, and for payment of any on-going costs of the County directly related to the CDA.

Sec. 4A-28. Credit requirements.

If debt or lease obligations are issued by the CDA to finance or refinance infrastructure of the project:

(a) the CDA's outstanding debt or lease obligations as compared to the appraised value of property within CDA boundaries as if the infrastructure being financed was in place shall not exceed thirty-three percent (33%) at the time the bonds are issued, and shall not exceed ten percent (10%) once the development is complete.

(b) the CDA shall limit its obligations to minimum one hundred thousand dollars ($100,000.00) denominations.

Sec. 4A-29. Certification of information in offering documents.

The ordinance creating the CDA shall include a requirement that the CDA shall not issue bonds or other obligations until the County receives appropriate certifications that all information contained in any offering memorandum or other financial documentation that will be made available to potential investors in connection with the sale of bonds or other obligations is accurate, complete and in compliance with securities laws, and that the County has accepted this certification in writing. The County's acceptance shall not be deemed an approval or endorsement of such certification or any information to be made available to potential investors.

Sec. 4A-30. No liability to County.

Bond or other obligations of a CDA shall not be obligations of Culpeper County, and neither its general tax revenues nor its full faith and credit are pledged to the payment thereof. The project must pose no direct or indirect liability to the County, and the petitioner and/or the CDA must provide the type and level of surety acceptable to the County to protect the County from actions or inactions of the CDA as specified in the memorandum of understanding, including without limitation adequate security and agreement of indemnification. The County shall not retire any part of any bonds or pay any debt service of a CDA. The County shall pay monies to the CDA to the extent that revenues or funds are due to the CDA from a special tax or special assessment for the benefit of that CDA authorized in Virginia Code § 15.2-5158. All documents relating to the project shall reflect the fact that the County has no financial liability or for present or future improvements connected with the project whether or not contemplated by the ordinance creating the CDA or as

that ordinance may be amended. Any common areas, facilities or private roads shall be completely maintained by and at the cost of the petitioner or a property owner's association to be formed by the petitioner.

Sec. 4A-31. Covenants.

Covenants acceptable to the County shall be attached to the property subject to the CDA which incorporate the salient commitments of the CDA development proposed, and the public benefits including, without limitation, construction of public infrastructure or dedications of real property. The County must be listed as a beneficiary of any covenant which relates to the public benefits to the County from the CDA or requirements under those guidelines and any changes to these covenants must require approval by the County.

Sec. 4A-32. Review of petition by IDA.

Prior to County creation of a CDA, the Board may refer the petition to the County Industrial Development Authority ("IDA") for its review and recommendation regarding compliance of the petition with this article and on creation of the CDA. Upon such referral, the IDA shall give such recommendation within sixty (60) days following filing of the completed petition. The Board may also re-refer any petition for further review.

Sec. 4A-33. Creation of CDA by Ordinance.

If the Board of Supervisors determines that all the requirements of this ordinance, Virginia Code §§ 15.2-5152 et seq. and other applicable state law are met, and that creation of a CDA is in the best interests of the citizens of the County, it shall do so by ordinance after due public notice and hearing. The ordinance creating a CDA shall set forth the boundaries, facilities and services, benefits, powers, and responsibilities of the CDA.

Sec. 4A-34. Amendments to ordinances creating CDAs.

No amendment to any ordinance creating a CDA shall, in the determination of the Board of Supervisors, dilute the economic development/quality growth, the fiscal or other public benefits, or the protections to the County contained in the original ordinance. The Board of Supervisors may expand or dissolve the boundaries of the CDA by ordinance upon giving notice as required by the Code of Virginia. Within fourteen (14) calendar days after adoption of the ordinance creating a CDA, the petitioner shall record a certified copy of the ordinance in the land records of the circuit court for each tax map parcel included within the CDA.

Sec. 4A-35. CDA boards.

The Board of Supervisors shall adopt Articles of Incorporation for each CDA created hereunder and file them with the State Corporation Commission. Thereafter, the Board of Supervisors shall appoint a board for such CDA as provided in §§ 15.2-5154 and 15.2-5113 of the Code of Virginia, 1950, as amended. Such board shall have powers over the CDA as set forth in §§ 15.2-5114 and 15.2-5158 of the Code of Virginia, 1950, amended. CDA Board members shall, to the greatest extent practicable, be residents of Culpeper County. Compensation of the CDA Board, if any, shall be established by the Board of Supervisors by resolution.

Sec. 4A-36. Special tax assessments.

If a CDA is to be financed in whole or in part by a special tax assessment pursuant to § 15.2-5158(A)(3), the special tax assessment shall be recorded in connection with the issuance of bonds by the CDA for the purposes set forth herein and in the ordinance creating the CDA. The special tax assessments shall be liens on the real property in the special taxing district created for that purpose, in accordance with the provisions of Virginia Code § 15.2-2404 et seq. The district shall not encompass any property outside the boundaries of the CDA. The special tax assessment payments shall be collected within the district at the same time and in the same manner as the County's general real property tax is collected. All rules, regulations and standard practices and permitted discretion of the County regarding the levy and collection of taxes shall apply to the special tax assessment. The Treasurer and Director of Finance shall segregate the proceeds of the special tax assessment collected within the district on books and records of the

County so as to ensure that the proceeds are expended solely within the district for the purposes authorized by County ordinance and applicable statutes. The CDA shall reimburse the County annually for the County's administrative costs of the collection and payment of the special tax assessments.

Sec. 4A-37. Issuance of bonds.

No bonds shall be issued without prior approval by resolution of the County. In the event that no bonds have been issued within two (2) years after the effective date of the ordinance creating a CDA, the Board of that CDA shall immediately take the steps necessary to terminate the existence of the CDA. At the request of the Board of the CDA, however, an extension of time may be granted by resolution of the County in its sound discretion and for good cause shown. The Board of any CDA shall not terminate the existence of the CDA while the CDA has outstanding obligations.

Sec. 4A-38. Inspection and continuing disclosure; audit.

The Treasurer and the Director of Finance, or their respective designees or agents, shall have the right to inspect and copy the records of any CDA, and shall each receive copies of all annual or administrative reports produced by or sent to the CDA. The CDA shall subject itself to an annual independent audit to be conducted by a reputable, outside CPA firm, and shall provide the Treasurer and Director of Finance each a copy of the audit.
(Ord. of 12-7-1999)

Chapter 5

AUTOMOBILE GRAVEYARDS*

*__Cross references—__Automobiles in automobile graveyards exempt from license tax on junked automobiles, § 10-41; zoning ordinance, App. A.

__State law reference—__Authority of County to regulate automobile graveyards, Code of Virginia, § 15.2-903.

Sec. 5-1. Defined.

As used in this chapter, the term "automobile graveyard" shall mean any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found.
(Res. of 12-6-1938, § 1)

State law reference—Similar definition Code of Virginia, § 33.1-348.

Sec. 5-2. Violations of chapter.

Any person who violates any provision of this chapter shall be guilty of a Class 4 misdemeanor.
(Res. of 12-6-1938, § 4)

Cross reference—Penalty for Class 4 misdemeanor, § 1-10.

Sec. 5-3. License and license tax.

(a) It shall be unlawful for any person to operate or maintain an automobile graveyard within the County, unless he has a current license so to do issued by the Commissioner of the Revenue.

(b) There is hereby imposed an annual license tax, in such amount as is prescribed, from time to time, by the Board of Supervisors, on each and every automobile graveyard operated or maintained within the County, which tax shall be paid before the license required by this section is issued.

(c) A license issued under this section shall expire on the 31st day of December of each year and shall be renewed on or before January fifteenth of each year.
Res. of 12-6-1938, § 2.

State law reference—Authority for above tax, Code of Virginia, 15.2-903.

Sec. 5-4. Fence required.

No person shall maintain or operate an automobile graveyard within one (1) mile of any town or village in the County or within five hundred (500) yards of any public road in the County, unless the lot on which the automobile graveyard is maintained and operated is entirely enclosed by a solid board fence, not less than six (6) feet in height, which fence shall at all times be kept painted.
(Res. of 12-6-1938, § 3)

State law reference—Screening of junkyards near highways, Code of Virginia, § 33.1-348.

Sec. 5-5. Inspection by County Officers.

Every automobile graveyard in the County shall, at all times during normal business hours, be open to inspection by the Sheriff and other proper officers of the County.
(Res. of 12-6-1938, § 3).

Chapter 6

BUILDING REGULATIONS*

*__Cross references—__Fees for permits applied for pursuant to State Building Code, § 2-2; fence required for automobile graveyards, § 5-4; erosion and sediment control, Ch. 8; water supply, Ch. 14; Zoning Ordinance, App. A; Subdivision Ordinance, App. B.

__State law reference—__Virginia Uniform Statewide Building Code, § 36-97 et seq.

Sec. 6-1. Prerequisites to issuance of permit for construction in flood hazard areas.

The Building Official shall not issue any permit under the Virginia Uniform Statewide Building Code for any construction in a flood hazard area of the County, unless the plans for such construction show:

(1) That adequate drainage will be provided in order to reduce exposure to flood hazards.

(2) That public utilities and facilities will be located on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

(Res. of 8-6-1974)

Cross references—Protection of water supply systems from flooding, § 14-41; provisions of Zoning Ordinance as to Floodplain District F-1, App. A, § 8A-1 et seq.

Sec. 6-2. Findings and determinations as to flood protection in proposed subdivisions.

The zoning administrator, in reviewing applications under the Subdivision Ordinance, shall make findings of fact and determine if:

(1) The proposed development is consistent with the need to minimize flood damage.

(2) Adequate drainage will be provided, so as to reduce exposure to flood hazards.

(3) Adequate drainage will be provided, so as not to increase the exposure of flood hazards of adjacent lands.

(4) All public utilities and facilities will be located and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.

(Res. of 8-6-1974)

Cross reference—Subdivision Ordinance, App. B.

Sec. 6-3. Danger to public health or safety/ notice/repair/lien.

(a) Upon determination that any building, wall or other structure might endanger the public health or safety of other residents of the County, the Building Official may remove, repair or secure such building, wall or any other structure wherein the owner and lien holder of such property after reasonable notice and reasonable time to do so, has failed to remove, repair, or secure said building, wall or other structure. For the purpose of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice shall include a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the owner to receive the notice; and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the County. No action shall be taken by the Building Official to remove, repair or secure any building, wall or other structure for at least thirty (30) days following the later of the return receipt or newspaper publication. The owner has appeal rights as provided for in the Virginia Uniform Statewide Building Code.

(b) That in the event the Building Official removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes and levies are collected.

(c) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Article 3 (§ 58.1-3940 *et. seq.*) and Article 4 (§ 58.1-3965 *et. seq.*) of Chapter 39, Title 58.1.
(Ord. of 11-5-1997)

Chapter 6A

CABLE COMMUNICATIONS

Article VIII. General Provisions

ARTICLE I. SHORT TITLE AND PURPOSE OF ORDINANCE

Sec. 6A-1-1. Short title.

This chapter shall be known as the "Culpeper County Cable Communications Ordinance."
(Ord. of 5-1-1990, § 6A-1-1)

Sec. 6A-1-2. Purposes.

The purposes of this chapter are to:

(1) Provide for the franchising and regulation of cable television systems within the County of Culpeper;

(2) Provide for the payment of a fee and other valuable consideration to the County for the construction and operation of cable television systems;

(3) Provide for the possible regulation by the County of the rates to be charged to subscribers for cable television service;

(4) Provide for the development of cable television as a means to improve communication between and among the members of the public and public institutions of the County;

(5) Provide remedies and prescribe penalties for violation of this chapter and any franchise granted hereunder;

(6) Preserve public confidence in government by providing for disclosure of actual and potential conflicts of interests; and

(7) Provide customer service requirements for cable television systems and for construction schedules and other construction-related requirements for cable television systems.

(Ord. of 5-1-1990, § 6A-1-2)

ARTICLE II. DEFINITIONS

Sec. 6A-2-1. Definitions.

For purposes of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Basic cable service shall mean any service tier which includes the retransmission of off-air television broadcast signals.

Board shall mean the Board of Supervisors of the County of Culpeper, Virginia.

Business associates includes any person with whom one is jointly or mutually engaged in any profit seeking enterprise or endeavor; and any person, corporation, partnership, syndicate, joint venture or other entity in which one or one's immediate family is an officer, director, employee or holder of a legal, equitable, actual or beneficial interest.

Cable channel or channel means a portion of the electromagnetic frequency spectrum which is used, in a cable system and which is capable of delivering a television channel (as television channel is defined by the commission by regulation).

Cable television system shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the County, except that such definition shall not include:

(1) Any system which serves fewer than twenty (20) subscribers;

(2) Any system which serves only the residents of one (1) or more multiple-unit dwellings under common ownership, control or management and commercial establishments located on the premises of such dwellings, unless such facility or facilities use any public right-of-way; or

(3) Any facility that serves only to retransmit the television signals of one (1) or more television broadcast stations.

County shall mean the County of Culpeper, Virginia, and its Board.

County Administrator shall mean the present or succeeding employee of Culpeper County so designated.

Fair market value shall mean the price which property will bring when it is offered for sale by one who desires but is not required to sell it and is bought by one who is under no necessity of having it.

Federal Communications Commission or *FCC* shall mean that Federal agency as presently constituted by the Communications Act of 1934, as amended, or any successor agency.

Franchise shall mean the nonexclusive initial authorization or renewal thereof issued by the County which authorizes the construction or operation of a cable television system for the term specified in section 6A-5-1 along the public ways in the County or within specified areas in the County and is not intended to include any license or permit required for the privilege of transacting and carrying on a business within the County as may be required by other ordinances and laws of the County.

Grantee shall mean the natural person, partnership, domestic and foreign corporation, association, joint venture or organization of any kind granted a franchise by the Board under this chapter and its lawful successor, transferee or assignee.

Gross revenues shall mean those revenues derived from the supplying of regular subscriber service, monthly or periodic charges for service, installation fees and reconnect fees, revenues derived from per-program or per-channel charges, leased channel revenues, advertising revenues and any other revenues received by the grantee, its employees, agents, successors, assignees and lessees for cable television service rendered by the system within the County.

Immediate family shall include the spouse and every other relative living in a person's household.

Interest, as that term is used in article VIII, section 6A-8-13 thereof, includes any relationship, whether by ownership, employment, gift, fee or otherwise; whether present, promised or reasonably expected; whether direct or indirect; whether legal or equitable; whether actual or beneficial; from or because of which a person, his or her immediate family or his or her business associates have received financial benefit or have a right of reasonable expectation, whether or not legally enforceable, whether vested or contingent, to receive financial benefit in the future, directly or indirectly.

Net profit shall mean the amount remaining after deducting from gross revenues all of the actual, direct and indirect expenses associated with operating the cable television system, including the franchise fee, interest, depreciation and federal or state income taxes.

Officer or *employee* includes supervisors, the County Administrator, members of any franchise evaluation committee, all officers and directors of any consulting firm hired by the County for cable television purposes and any other person designated by ordinance.

Public, educational or governmental access facilities means channel capacity designation for public, educational or governmental use and facilities and equipment for the use of such channel capacity.

Public way shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or other public right-of-way and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the County, which shall entitle the County and the grantee to the use thereof for the purpose of installing and maintaining the grantee's cable television system.

Regular subscriber service shall mean the distribution to subscribers of signals over a cable television system on all channels except those for which a per-program or per-channel charge is made, two-way services and those intended for reception by equipment other than a television broadcast receiver.

Service tier shall mean a category of cable service or other services provided by a grantee's cable television system and for which a separate rate is charged by the grantee.

Subscriber shall mean any member of the general public who receives or contracts with a grantee to receive the regular subscriber service and/or any one (1) or more of such other services as may be provided by the grantee's cable television system, and does not further distribute such service(s).

Video programming shall mean programming provided by or generally considered comparable to programming provided by a television broadcast station.
(Ord. of 5-1-1990, § 6A-2-1)

ARTICLE III. GRANT OF AUTHORITY

Sec. 6A-3-1. Requirement of a franchise.

(a) No person, firm, company, corporation or association shall construct, install, maintain or operate a cable television system or part of a cable television system over or through a public way in the County or over or through any other public property of the County unless a franchise has first been obtained pursuant to the provisions of this chapter and unless such franchise is in full force and effect.

(b) All cable companies providing service to County residents over and through the public ways of the County prior to December 29, 1984, without a franchise shall apply for a franchise and provide such information as is required under section 6A-3-2 herein.
(Ord. of 5-1-1990, § 6A-3-1)

Sec. 6A-3-2. Franchise applications.

(a) One or more nonexclusive franchises may be granted by ordinance to those applicants which, in the Board's judgment, may best serve the public interest;

(b) An application for cable television franchise shall be submitted to the Board, or its designee, on a written application form furnished by the County and in accordance with procedures and schedules to be established by the County. The County may request facts and information the County deems appropriate. Applications for one (1) or more franchise areas described in Article VII shall be accompanied by a non-refundable application fee of five hundred dollars ($500.00) payable to the order of the "County of Culpeper," which amount shall be used by the County to offset direct expenses incurred in the franchising and evaluation procedures, including but not limited to staff time and consulting assistance.

(c) An applicant (grantee) to whom the Board grants one (1) or more nonexclusive franchises for areas described in Article VII shall, in addition to the non-refundable fee specified hereinabove, pay to the County at the time the grantee files the written instrument specified in Article VIII, section 6A-8-8, an amount not to exceed one thousand dollars ($1,000.00) per franchise area, which shall be prescribed by the Board. Said payment shall be five hundred dollars ($500.00) refundable, shall be made payable to the order of the "County of Culpeper" and shall be used to offset any direct costs incurred by the County in granting the franchise not defrayed by fees forthcoming from the provisions of subsection (b) of this section.
(Ord. of 5-1-1990, § 6A-3-2)

Sec. 6A-3-3. Applicant representatives.

Any person who files an application with the County for a cable television franchise shall forthwith, at all times, disclose to the County, in writing, the names, addresses and occupations of all persons who are authorized to represent or act on behalf of the applicant in those matters pertaining to the application. The requirement to make the disclosure described in this section shall continue until the County shall have rejected an applicant's application or until an applicant withdraws its application. Failure of any person to provide the written disclosures required by this section shall constitute an offense.
(Ord. of 5-1-1990, § 6A-3-3)

ARTICLE IV. AUTHORITY OF COUNTY ADMINISTRATOR

Sec. 6A-4-1. Powers and responsibilities.

Day-to-day administration of cable television operations within the County are assigned to the County Administrator. The Administrator's pow-

ers and responsibilities, which may be delegated, include but are not limited to the following functions:

(1) Assisting in the preparation of invitations to bid for a franchise; establishing criteria for review and ranking of franchise applications; reviewing and screening applications for franchises and making selection recommendations to the Board of Supervisors.

(2) Monitoring the timely performance of grantee(s) in making application for and obtaining all certificates, permits and agreements as provided for in this chapter.

(3) Monitoring the performance of grantee(s) in meeting the construction timetable as provided for in this chapter.

(4) Advising and making recommendations to the Board of Supervisors on matters which may constitute grounds for revocation of a franchise in accordance with this chapter.

(5) Monitoring and reviewing changes in, additions to or reductions of subscriber fees and rates for conformity to the stipulations of this chapter and advising and making recommendations to the Board of Supervisors regarding the regulation of rates in accordance with this chapter.

(6) Reviewing all franchise records and reports as required by this chapter, as well as all franchise reports filed with the FCC and, in the Administrator's discretion, requiring the preparation and filing of information in addition to that required therein, as may reasonably be required to accomplish the purposes of this chapter.

(7) Monitoring the performance of grantee(s) under any other terms of the franchise agreements and this chapter and making recommendations to the Board of Supervisors to ensure such compliance.

(8) Conducting periodic evaluations of the systems and, pursuant thereto, making recommendations to the Board of Supervisors for amendments to this chapter or to the franchise agreement.

(9) Receiving and investigating complaints against grantee(s) by any person or upon direction of the Board of Supervisors.

(10) Seeking recovery, with the assistance or through appropriate legal counsel, if necessary, of liquidated damages in accordance with this chapter.

(11) Advising grantee(s) of the receipt of subscriber complaints affecting the grantee's system.

(Ord. of 5-1-1990, § 6A-4-1)

ARTICLE V. FRANCHISE CONDITIONS

Sec. 6A-5-1. Franchise term.

The term of an original franchise shall be fifteen (15) years from the date the franchise is accepted by a grantee. The term of a renewed franchise shall be no more than fifteen (15) years. (Ord. of 5-1-1990, § 6A-5-1)

Sec. 6A-5-2. Notice to grantee.

The Board shall not take final action at any meeting of the Board involving the review, renewal or revocation of a grantee's franchise unless the County has given the grantee at least 21 days' written notice of such meeting. The notice shall advise the grantee of the meeting's time, place and proposed action affecting the grantee. (Ord. of 5-1-1990, § 6A-5-2)

Sec. 6A-5-3. Franchise review.

(a) It shall be the policy of the County to amend a franchise which is in effect, upon application of a grantee or upon the Board's own motion, when necessary or advisable to enable the grantee to take advantage of advancements in the state-of-the-art which will afford it an opportunity to more effectively, efficiently or economically serve its subscribers or the County, provided, that this section shall not be construed to require the County to make any amendment for such purposes.

(b) It shall be the policy of the County not to alter any franchise agreement unless such alteration is made upon the application of the grantee or unless such alteration is made in order to conform to applicable federal or state law or unless such alteration is made to secure and promote the health, safety and general welfare of the inhabitants of the County.

(c) Also, it shall be the policy of the County to amend a franchise which is in effect if the grantee demonstrates it is commercially impracticable to comply with a requirement or requirements of a franchise. Demonstration of such commercial impracticability shall be done in strict accordance with the following procedures and requirements:

(1) During the period a franchise is in effect, the grantee may obtain from the County modifications of the requirements in such franchise if:

a. In the case of any requirements for facilities or equipment, including public, educational or government access facilities or equipment, the grantee demonstrates that:

1. It is commercially impracticable for the grantee to comply with such requirement; and

2. The proposal by the grantee for modification of such requirement is appropriate because of commercial impracticability; or

b. In the case of any requirement for services, the grantee demonstrates that the mix, quality and level of services required by the franchise at the time it was granted will be maintained after such modification.

(2) Any final decision by the County under this subsection shall be made in a public proceeding, with notice required by section 6A-5-2. Such decision shall be made within one hundred twenty (120) days after receipt of such request by the County, unless such one-hundred-twenty (120) day period is extended by mutual agreement of the grantee and the County.

(3) Notwithstanding subsection (c)(1) and (2), a grantee may, upon thirty (30) days' advance notice to the County, rearrange, replace or remove a particular cable service required by the franchise if:

a. The required service is no longer available to the grantee; or

b. The required service is available to the grantee only upon the payment of a royalty required under 17 U.S.C. § 801(b)(2), which the grantee can document:

1. Is substantially in excess of the amount of such payment required on date of the offer to provide such service; and

2. Has not been specifically compensated for through a rate increase or other adjustment.

(4) Notwithstanding subsection (c)(1) and (2), a grantee may take such actions to rearrange a particular service from one (1) service tier to another or otherwise offer the service if the rates for all of the service tiers involved in such actions are not subject to regulation under section 6A-6-1.

(5) A grantee may not obtain modification under this section of any requirement for services relating to public, educational or governmental access.

(6) For purposes of this section, the term "commercially impracticable" means, with respect to any requirement applicable to a grantee, that it is commercially impracticable for the grantee to comply with such requirement as a result of a change in conditions which is beyond the control of the grantee and the nonoccurrence of which was a basic assumption on which the requirement was based.

(Ord. of 5-1-1990, § 6A-5-3)

Sec. 6A-5-4. Franchise renewal.

(a) During the six-month period which begins with the 36th month before the franchise expiration, the County may, on its own initiative, and

shall, at the request of the grantee, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of:

(1) Identifying the future cable-related community needs and interests; and

(2) Reviewing the performance of the grantee under the franchise during the then-current franchise term.

(b) Proposal for renewal.

(1) Upon completion of a proceeding under subsection (a), a grantee seeking renewal of a franchise may, on its own initiative or at the request of the County, submit a proposal for renewal.

(2) Any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system, if warranted.

(3) The County may establish a date by which such proposal shall be submitted.

(c) Review of proposal.

(1) Upon submittal by a grantee of a proposal to the County for the renewal of a franchise, the County shall provide prompt public notice of such proposal and, during the four-month period which begins on the completion of any proceedings under subsection (a), renew the franchise or issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with subsection (2), to consider whether:

a. The grantee has substantially complied with the material terms of the existing franchise and with applicable law;

b. The quality of the grantee's service, including signal quality, response to consumer complaints and billing practices, but without regard to the mix, quality or level of cable services or other services provided over the system, has been reasonable in light of community needs;

c. The grantee has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in the grantee's proposal; and

d. The grantee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under subsection (c)(1), the grantee shall be afforded adequate notice, and the grantee and the franchise authority or its designee shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence and to question witness. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the County shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding and transmit a copy of such decision to the grantee. Such decision shall state the reasons therefor.

(d) Any denial of a proposal for renewal shall be based on one (1) or more adverse findings made with respect to the factors described in subsection (c)(1)a through d, pursuant to the record of the proceeding under subsection (c). The County will not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)a or on events considered under subsection (c)(1)b unless the County has provided the grantee with notice and the opportunity to cure or in any case in which it is documented that the County has waived its right to object or has effectively acquiesced.

(e) For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise as provided under the franchise.

(f) Notwithstanding the provisions of subsections (a) through (e) of this section, a grantee may submit a proposal for the renewal of a franchise pursuant to this subsection at any time; and the County may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (e) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (e).

(g) If the Board denies a proposal to renew the franchise, the Board shall have an option, to the extent then permitted by existing law, to acquire the assets of the grantee's cable television system or the option to permit a succeeding grantee to acquire such assets. The Board's option to acquire the assets of the grantee or to permit a succeeding grantee to acquire such assets must be exercised within one (1) year from the date of expiration. The amount paid for such assets shall be the fair market value of the system as of the expiration date of the franchise valued as a going concern but with no value allocated to the franchise itself. (Ord. of 5-1-1990, § 6A-5-4)

Sec. 6A-5-5. Award of new franchise.

(a) Proposals for provision of new service into any and all franchise areas may be made at any time according to the application procedures before set out in this chapter.

(1) Any such proposal shall contain such material as the franchising authority may require.

(2) The County may establish a date by which such proposal shall be submitted.

(b) The County may at any time before or after receipt of such proposal, commence proceedings which afford the public in a delineated franchise area or areas appropriate notice and participation for the purpose of identifying the future cable-related community needs and interests.

(c) Upon submittal of proposals for new service, the County may provide public notice of such proposals as are presented to it for any given franchise area and, before an award of any franchise granted under this section, may hold public meetings with those citizens affected and may commence administrative proceedings to consider whether:

(1) The applicant has compiled a record of quality service in other franchise areas or communities, showing substantial compliance with the material terms of any franchise under which it operated and with applicable law;

(2) The quality of the applicant's past service, including signal quality, response to consumer complaints and billing practices, has been reasonable in light of community needs;

(3) The likely quality of the applicant's future service, including signal quality, the ability to respond to consumer complaints and billing practices, will correspond to community needs and expectations;

(4) The applicant has the financial, legal and technical ability to provide the services, the facilities and equipment or ability to procure such facilities and equipment as set forth in the applicant's proposal;

(5) The applicant's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

(6) The community's best interests might be appropriately served by the proposal under consideration.

(d) Any decision made by the County on the award of new franchises shall be considered to be a legislative decision and therefore final and shall not be subject to question or suit for failure to follow proper procedure, including any procedure hereby allowed but not mandated by this section. (Ord. of 5-1-1990, § 6A-5-5)

Sec. 6A-5-6. Franchise revocation procedure.

(a) Whenever a grantee shall refuse, neglect or wilfully fail to construct, operate or maintain its cable television system in accordance with the terms of this chapter and the franchise or to comply with the conditions of occupancy of any public lands, or to make required extensions of service or wilfully or knowingly make false statements on or in connection with its franchise application or in any other way violates the terms and conditions of this chapter, the franchise or any rule or regulation adopted thereunder or substantially violates any provision of the Virginia Consumer Protection Act of 1977, as amended, or if a grantee becomes insolvent or unable to or unwilling to pay its debts or seeks or obtains relief under the bankruptcy laws, then, as may otherwise be permitted by the law, the franchise may be revoked.

(b) In the event that the County Administrator believes that grounds for revocation exist or have existed, the County Administrator may notify a grantee, in writing, setting forth the nature and facts of such noncompliance. If, within thirty (30) days following such written notification by the County Administrator, the grantee has not furnished proof that corrective action has been taken or is being actively and expeditiously pursued or evidence that the alleged violations did not occur or that the alleged violations were beyond the grantee's control, the County Administrator shall thereupon refer the matter to the Board of Supervisors.

(c) The Board of Supervisors may revoke a franchise pursuant to subsection (a) of this section by ordinance.

(d) The Board shall not adopt an ordinance pursuant to subsection (c) of this section until it has given notice to the grantee in accordance with section 6A-5-2 that it proposed to adopt such an ordinance and the grounds therefor. Further, the Board shall not adopt such an ordinance until the grantee or its representative has had reasonable opportunity to be heard before the Board of Supervisors and show that the proposed grounds for revocation did not or do not exist, as the case may be.

(e) A grantee shall not be subject to the sanctions of this section for any act or omission wherein such act or omission was beyond the grantee's control. An act or omission shall not be deemed to be beyond a grantee's control if committed, omitted or caused by a corporation or other business entity which holds a controlling interest in the grantee, whether held directly or indirectly. Further, the inability of a grantee to obtain financing, for whatever reason, shall not be an act or omission which is beyond the grantee's control.

(f) In the event that a franchise has been revoked by the Board of Supervisors, the Board of Supervisors shall have an option, to the extent then permitted by existing law, to either purchase the tangible asset of the grantee's cable television system previously governed by the franchise or assign such rights to purchase. Such an option must be exercised within one (1) year from the date of the revocation of the franchise or the entry of the final judgment by a court reviewing the question of the Board's revocation or the entry of a final order upon appeal of same, whichever is later.

(g) The termination of a grantee's rights under a franchise shall in no way affect any other rights the quality may have under the franchise or under any provision of law.
(Ord. of 5-1-1990, § 6A-5-6)

Sec. 6A-5-7. Arbitrary and capricious action by grantee.

If a grantee arbitrarily and capriciously discontinues service to any of its subscribers, the grantee's franchise may be revoked by an ordinance of the Board following notice to the grantee and an opportunity to be heard. Notwithstanding the provisions of article V, section 6A-5-2, of this chapter, notice to the grantee under this section may be less than twenty-one (21) days; provided, further, that the County may seek appropriate judicial or other relief and/or may proceed to exercise its rights and powers as provided for herein.
(Ord. of 5-1-1990, § 6A-5-7)

Sec. 6A-5-8. Provisions for arbitration.

In the event that the County elects to purchase a grantee's cable television system or any of its assets and the fair market value cannot be agreed upon, the final price shall be determined by a panel of arbitrators. The panel shall be composed of one (1) arbitrator chosen by the County, one (1) arbitrator chosen by the grantee and a third arbitrator chosen by the first two (2). The expenses of the arbitration, including the fees of the arbitrators, shall be borne by the parties in such manner as the arbitrators provide in their award, but in no event will the County be obligated for more than one-half (½) the expenses. The determination of a majority of the arbitrators shall be binding on the parties. The arbitrators shall follow the rules and procedures of the American Arbitration Association, except where in conflict with an express provision of this chapter. The arbitration hearing shall take place in Culpeper County, Virginia, unless otherwise agreed to by the parties in writing.
(Ord. of 5-1-1990, § 6A-5-8)

Sec. 6A-5-9. Transfer of ownership to County.

(a) In those circumstances provided for in this chapter wherein the County shall have the right to purchase ownership of a grantee's cable television system or any of its assets, the County may give notice that it elects to exercise such right, and the County may acquire such assets, at the option of the County, at one (1) of the following times:

(1) At the time of giving notice of election of its right to purchase (in which case the assets shall automatically transfer to the County);

(2) At any time specified by the County subsequent to the giving of notice of its election of its right to purchase (in which case the assets shall automatically transfer to the County at such subsequent time); or

(3) At the time of payment of the fair market value thereof.

Unless the notice of election by the arbitrary specifically exercises a right described in subsection (a)(1) or (2) above, subsection (a)(3) shall apply. In those circumstances where subsection (a)(3) applies and the question of fair market value has been submitted to arbitration, the County may affirmatively accept the award of the arbitrators within ninety (90) days after the rendering of the arbitrator's decision, at which time the assets shall automatically transfer to the County. However, if the County fails to accept the arbitrators' decision within the aforesaid ninety-day period, the rights of the County to purchase shall expire.

(b) In those circumstances provided for in this chapter wherein the County shall have the right to purchase ownership of a grantee's cable television system or any of its assets, no question of fair market value shall be submitted to arbitration until one hundred twenty (120) days have lapsed from the giving of such notice. Thereafter, either a grantee or the County may submit the matter to arbitration.

(c) If any time lapses between the time of transfer of assets and the time of payment therefor, the grantee shall be entitled to interest during the interim at the rate of eight percent (8%) per annum.
(Ord. of 5-1-1990, § 6A-5-9)

Sec. 6A-5-10. County's right to assign.

A franchise shall not limit the right of the County to assign its rights to acquire any or all of the assets of a grantee's cable television system.
(Ord. of 5-1-1990, § 6A-5-10)

Sec. 6A-5-11. Grantee's obligation as trustee.

(a) At all times from the expiration or revocation of a franchise and until either a grantee transfers to the County or other succeeding operator of the system all of its rights, title and interest to all assets, real and personal, related to its cable television system or the County's right to either acquire or assign its rights to acquire any of the grantee's assets expires without the County having exercised such a right, whichever occurs first, the grantee shall have a duty to such successor as a trustee holding such assets for the benefit of such successor, and the grantee shall not sell any of the system assets nor shall the grantee make any physical, material or adminis-

trative operational changes that would tend to degrade the quality of service to the subscribers, decrease gross revenues, or materially increase expenses without the expressed permission, in writing, of the County or its assigns. The grantee shall at all times operate the system in accordance with terms of this chapter and the terms of the franchise as if the franchise had not expired or had not been revoked.

(b) In the event of expiration or revocation of a franchise, this section shall not be construed to give a grantee any vested or other franchise right, but the right of the grantee in such circumstances shall exist only on a day-to-day basis until the transfer is effected.

(c) For its management services during this interim period as a trustee, the grantee shall be entitled to receive as compensation the net profit, as defined herein, generated during the period between the expiration or revocation of the franchise, as the case may be, and the transfer of the grantee's assets to the County or a successor.

(d) Further, this section shall in no way limit the power of the County, upon expiration or revocation of a franchise, to require the grantee to cease all operations whatsoever and or remove its facilities or otherwise exercise any rights the County would otherwise have.
(Ord. of 5-1-1990, § 6A-5-11)

Sec. 6A-5-12. Franchise fee.

(a) A grantee, in consideration of the privilege granted under a franchise for the operation of a cable television system, shall build a cable television system in accordance with the terms of its franchise and shall pay to the County a percentage of its annual gross revenues during the period of operation under the franchise. The percentage to be paid shall be five percent (5%), or less if required by either federal or state law.

(b) A grantee shall file with the County, within thirty (30) days after the expiration of each of the grantee's fiscal quarters, a financial statement clearly showing the gross revenues received by the grantee during the preceding quarter. Payment of the quarterly portion of the franchise fee shall be made to the County within the above-mentioned thirty (30) days, at or before the time such financial statement is filed. A grantee shall also file, within one hundred twenty (120) days following the conclusion of the grantee's fiscal year, the grantee's financial statements for that year, examined and reported on by an independent public accountant, certified in the Commonwealth of Virginia. The cost of such audit shall be borne by the grantee.

(c) The County shall have the right, consistent with the provisions of article VI, section 6A-62(b), to inspect a grantee's income records, the right of audit and the right to recompute any amounts determined to be payable under this chapter. Any additional amounts due the County, as indicated by the audit, plus interest as specified in subsection (d) of this section, shall be paid to the County forthwith.

(d) In the event that any franchise payment is not made on or before the applicable dates heretofore specified, interest shall be charged from such due date at an annual rate of eight percent (8%). In the event that any franchise payment (or payments) totaling five thousand dollars ($5,000.00) or more is not paid by the due date, then interest shall accrue to the County at a rate equal to the interest rate then chargeable for unpaid federal income taxes (26 U.S.C. § 6621). In addition to the foregoing, the failure of the grantee to make a timely payment (as defined by Virginia Code § 6.1-330.226) of any amount shall subject the grantee to an additional late charge of five percent (5%) of the amount of such payment.

(e) In the event a franchise is revoked prior to its expiration date, the grantee shall file with the County, within thirty (30) days of the date of revocation, a financial statement clearly showing the gross revenues received by the grantee since the end of the previous fiscal quarter and shall pay within that time the franchise fees accrued as of the date of revocation.
(Ord. of 5-1-1990, § 6A-5-12)

Sec. 6A-5-13. Insurance; bonds; indemnity.

(a) At the time of filing an application for a franchise area described in section 6A-7-1, the applicant shall obtain, pay all premiums for and deliver to the County written evidence of payment

of premiums and originals of bid bond or bonds running to the County with good and sufficient surety in the amount of five thousand dollars ($5,000.00) per franchise area and in a form acceptable to the County to protect the County from all damages or losses arising from the failure of the applicant, if selected as a grantee, to accept the franchise in conformity with this chapter and the substance of the proposal as submitted by the applicant.

(b) Upon the granting of a franchise and following simultaneously with the filing of the acceptance required under article VIII, section 6A-8-8, hereof and at all times during the term of the franchise, including the time for removal of facilities or management as a trustee as provided for herein, the grantee shall obtain, pay all premiums for and deliver to the County written evidence of payment of premiums for and originals of the following:

(1) A general comprehensive public liability policy or policies indemnifying, defending and saving harmless the County, its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever (including the costs, defenses, attorneys' fees and interest arising therefrom) on account of injury to or death of a person or persons occasioned by the operations of the grantee under the franchise herein granted or alleged to have been so caused or occurred, with a minimum liability of one million dollars ($1,000,000.00) per personal injury or death of any one (1) person and two million dollars ($2,000,000.00) for personal injury or death of any two (2) or more persons in any one occurrence.

(2) A property damage insurance policy indemnifying, defending, and saving harmless the County, its officers, boards, commissions, agents and employees from and against all claims by any person whatsoever (including the costs, defenses, attorneys fees and interest arising therefrom) for property damage occasioned by the operation of the grantee under the franchise herein granted or alleged to have been so caused or occurred, with a minimum liability of five hundred thousand dollars ($500,000.00) for property damage to the property of one (1) person and one million dollars ($1,000,000.00) for property damage to the property of two (2) or more persons in any one (1) occurrence.

(3) Performance bonds.

a. A performance bond or bonds shall be provided in amounts as required by the franchise agreement running to the County with good and sufficient surety approved by the County in a sum as approved by the County conditioned upon the faithful performance and discharge of the obligations imposed by this chapter and the franchise awarded hereunder from the date thereof, including, but not limited to, faithful compliance with the construction timetable proposed by the grantee in its application as incorporated into the franchise. Within six (6) months of the filing of the acceptance required under section 6A-8-8 hereof or prior to the commencement of construction, whichever time is earlier, the amount of the performance bond or bonds hereinabove shall be increased to the sum as required in the franchise agreement. The amount of the bond may be reduced as allowed in the franchise agreement when regular subscriber service is available to more than fifty percent (50%) of the occupied dwelling units within the primary service area, as described in article VII, section 6A-7-2, as certified by the County Administrator to the Board, and may be further reduced to the sum as allowed in the franchise agreement, when regular subscriber service is available to more than ninety percent (90%) of the occupied dwelling units within the primary service area, as certified by the County Administrator to the Board. The County's right to recover under the bond shall be in addition

to any other rights retained by the County under this chapter and other applicable law.

b. In the case of any franchise granted in accordance with the requirement of section 6A-5-5 to a franchise area described in section 6A-7-1 for any existing cable television system for which construction is substantially complete and regular subscriber service is available to more than fifty percent (50%) of the occupied dwelling units within the primary service area, a performance bond or bonds shall be provided running to the County with good and sufficient surety approved by the County in a sum adequate to meet remaining or planned construction conditioned upon the faithful performance and discharge of the obligations imposed by this chapter and the franchise awarded hereunder from the date thereof. In no event shall such performance bond or bonds be reduced to less than that amount allowed in the franchise agreement.

(c) All bonds and insurance policies called for herein shall be in a form satisfactory to the County Attorney. The County may at any time, if it deems itself insecure, require a grantee to provide additional sureties to any and all bonds or to replace existing bonds with new bonds with good and sufficient surety approved by the County. No bond or insurance policy shall be cancelable. Insurance policies written for a period less than the term of the franchise shall be renewed at least sixty (60) days before a policy's expiration, and the renewed policies and evidence of premium payments shall be delivered forthwith to the County.

(d) A grantee shall, at its sole cost and expense, indemnify and hold harmless the County, its officials, boards, commissions, agents and employees against any and all claims, suits, causes of action, proceedings and judgments for damage arising out of claims, suits, causes of action, proceedings and judgments for damage arising out of the operation of the cable television system under the franchise. These damages shall include but not be limited to penalties arising out of copyright infringements and damages arising out of any failure by a grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's cable television system, whether or not any act or omission complained of is authorized, allowed or prohibited by the franchise. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs and attorneys' fees, and shall also include the reasonable value of any services rendered by the County Attorney or his assistants or any employees of the County.

(e) No grantee shall permit any policy or bond to expire or approach less than thirty (30) days prior to expiration without securing the delivery to the County of a substitute, renewal or replacement policy or bond in conformance with the provisions of this chapter.

(f) The County may require bonds and insurance policies described in this section to run to the benefit of both the County and other governmental units located and/or operating within the County.
(Ords. of 5-1-1990, § 6A-5-13; 8-7-1990)

Sec. 6A-5-14. Transfer of franchise.

(a) The franchise granted under this chapter shall be a privilege to be held in personal trust by the grantee. It shall not be assigned, transferred, sold or disposed of, in whole or in part, by voluntary sale, merger, consolidation or otherwise or by forced or involuntary sale, without prior consent of the Board expressed by resolution and then on only such conditions as may therein be prescribed. The County is hereby empowered to take legal or equitable action to set aside, annul, revoke or cancel the franchise or the transfer of the franchise, if said transfer is not made according to the procedures set forth in this chapter.

(b) Any sale, transfer or assignment of a franchise shall be subject to the provisions of this chapter and shall be made in writing, an executed copy of which shall be filed with the County Administrator within thirty (30) days after any such sale, transfer or assignment. The Board shall not withhold its consent unreasonably; pro-

vided, however, the proposed assignee must agree to comply with all the provisions of this chapter, the franchise and reasonable amendments thereto and must be able to provide proof of financial and character qualifications as determined by the Board; provided, further, however, that failure of the grantee to have constructed at least twenty-five percent (25%) of the system may be a reason to refuse consent for the transfer of the franchise.

(c) No such consent shall be required for a transfer in trust, mortgage or other instrument or hypothecation, in whole or in part, to secure an indebtedness. This subsection shall not apply to a transfer resulting from a foreclosure or default in the conditions of such indebtedness.

(d) Prior approval of the Board shall be required where ownership or control of fifty percent (50%) or more of the right to control of the grantee is acquired in any transaction or series of transactions by a person or group of persons acting in concert, none of whom already own or control fifty percent (50%) or more of such right of control, singularly or collectively. By its acceptance of a franchise, a grantee shall specifically grant and agree that any such acquisition occurring without prior approval of the Board shall constitute a violation of the franchise by the grantee.

(e) The consent of the Board to any sale, transfer, lease, trust, mortgage or other instrument of hypothecation shall not constitute a waiver or release of any of the rights of the County under this chapter and the franchise.
(Ords. of 5-1-1990, § 6A-5-14; 12-5-2000; 2-6-2001(1))

Editor's note—The Ordinance of 12-5-2000 amended subsection (a) of this section so that transfers could be approved by the Board of Supervisors by resolution rather than by ordinance.

ARTICLE VI. SUBSCRIBER FEES AND RECORDS

Sec. 6A-6-1. Subscriber fees.

(a) For any franchise granted, subscriber rates during the first four (4) years of a franchise shall be specified in the franchise. The rates so specified shall not, except as otherwise provided herein, be increased without the consent of the Board.

(b) After the first four (4) years of a franchise granted, subscriber rates shall, subject to the provisions of this chapter be unregulated unless the Board shall have adopted an ordinance regulating rates for basic cable service.

(c) To the extent that it may be allowed by law, the Board may adopt an ordinance regulating subscriber rates for basic cable service to be effective at any time for any franchise granted.

(d) All charges to subscribers shall be consistent with a schedule of fees for all services offered by a grantee. Changes in the fee schedule shall not take effect until at least sixty (60) days after notification of the same is delivered, in writing, to the County Administrator and each subscriber subject to any increase in fees applicable to service rendered to such subscriber, provided that a person who requests cable television service or becomes a subscriber after the written notification is given to the County Administrator but before the rate increase becomes effective shall be immediately notified by the grantee, either orally or in writing, that rate increases are scheduled; and a copy of the notice of the scheduled increase(s) shall be sent, by the grantee, by first class mail not later than three (3) days, not including Saturdays, Sundays and legal holidays, after such service is required.

(e) Except as may be otherwise provided in a franchise, a grantee shall not, with regard to fees, discriminate or grant any preference or advantage to any person; provided, however, that the grantee, with the approval of the Board, may establish different rates for different classes of subscribers based upon cost of service differentials, provided that the grantee shall not discriminate between any subscribers of the same class.

(f) A grantee shall notify, in writing, each subscriber of all applicable fees and charges for providing cable television service prior to executing a contract of service with such subscriber or installing any equipment to serve such subscriber.

(g) A grantee may, for promotional purposes, at its own discretion, waive, reduce or suspend connection fees for specific or indeterminate periods and/or monthly service fees for a period not exceeding sixty (60) days.

(h) Except as may be otherwise provided in a franchise, a subscriber shall have the right to have its service disconnected without charge; such disconnection shall be made as soon as practicable and in no case later than thirty (30) days following notice to the grantee of the same. No grantee shall enter into any agreement with a subscriber which imposes any charge following disconnection of service, except for reconnection and subsequent monthly or periodic charges, and those charges shall be no greater than charges for new customers. This section shall not prevent a grantee for refusing service to any person because the grantee's prior accounts with that person remain due and owing.

(i) Except as may be otherwise provided in a franchise, a grantee may offer service which requires advance payment of periodic service charges for no more than one (1) year in advance, subject to the conditions contained in this subsection. A customer shall have the right, at any time, to have its service disconnected without charge and with a refund of unused service charges paid to the customer within thirty (30) days from the date of service. Refunds shall be made on a pro rata basis. Rate increases shall not be effective with respect to any subscriber until after the expiration of any period for which advance payment has been accepted by the grantee.

(j) A grantee shall, at least thirty (30) days prior to the date it intends to terminate service to any subscriber because of the reason(s) of nonpayment of subscriber fees, notify such subscriber, in writing, of such intention, the reason therefore and the date such termination is to be effective.
(Ord. of 5-1-1990, § 6A-6-1)

Sec. 6A-6-2. Books and records.

(a) A grantee shall, within thirty (30) days following the acceptance of a franchise and at least yearly thereafter and within thirty (30) days of the change of ownership of three percent (3%) or more of the outstanding stock or equivalent ownership interest of a grantee, furnish the County a list, showing the names and addresses of persons owning three percent (3%) or more of the outstanding stock or equivalent ownership interest of the grantee. Such a list shall include a roster of the grantee's officers and directors (or equivalent managerial personnel) and their addresses.

(b) A grantee shall maintain books and records of its operations within the County to show the following in sufficient detail, consistent with generally accepted accounting principles:

(1) Total revenues, by service category.

(2) Operating expenses, categorized by general and administrative expenses, technical expenses and programming expenses and overhead, where applicable.

(3) Capital expenditures, to include capitalized interest and overhead, if any.

(4) Depreciation expenses, by category.

(c) A grantee shall retain such books and records, in any reasonable form, for a period of not less than fifteen (15) years. The County shall have the right to extend the retention period through the term of any renewed franchise.

(d) The books and records of a grantee's operation within the County shall be made available in the grantee's offices within the County during normal business hours for inspection and audit by the County within a reasonable period of time not to exceed thirty (30) days after such request has been made by the County.

(e) Copies of a grantee's schedule of charges, contract or application forms for regular subscriber service, policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the grantee's policy in connection with its subscribers shall be filed with the County and conspicuously posted in the grantee's local office.
(Ord. of 5-1-1990, § 6A-6-2)

ARTICLE VII. SYSTEM OPERATIONS

Sec. 6A-7-1. Franchise areas.

(a) Applications for a franchise will be accepted for franchise areas as herein specified by the County, pursuant to article III, section 6A-3-2(b). The County is hereby divided for the pur-

poses of this chapter into five (5) franchise areas, as hereinbelow generally described. There is attached hereto and hereby made a part hereof an attachment designated as Attachment "A" to the Culpeper County Cable Communications Ordinance, which visually depicts in general terms the outlines of these five (5) franchise areas.* Reference is further made to the Master Map of franchise areas available in the Office of Planning and Zoning for Culpeper County for specific detail as to the boundaries of the franchise areas herein generally depicted.

(1) Franchise Area 1, hereinafter referred to as the Interior Franchise, is composed of Areas 1A and 1B as depicted on the aforesaid maps.

(2) Franchise Area 2, hereinafter referred to as the Western Franchise, is designated as Area 2 on the aforesaid maps.

(3) Franchise Area 3, hereinafter referred to as the Northern Franchise, is designated as Area 3 on the aforesaid maps.

(4) Franchise Area 4, hereinafter referred to as the Eastern Franchise, is designated as Area 4 on the aforesaid maps.

(5) Franchise Area 5, hereinafter referred to as the Southern Franchise, is designated as Area 5 on the aforesaid maps.

(b) Any dispute as to the actual area encompassed in any franchise area shall be determined by the use of the appropriate maps as are on file in the Office of Planning and Zoning of Culpeper County. In that regard, the opinion of the zoning administrator shall be determinative of any area in dispute insofar as that area is delineated on the aforesaid Master Franchise Map.
(Ord. of 5-1-1990, § 6A-7-1)

Sec. 6A-7-2. Franchise map and primary service area.

(a) A grantee shall furnish to the County as part of its formal application for a franchise a map of suitable scale showing all highways and public buildings within the franchise area. For all franchise applications for a franchise area described in section 6A-7-1, the map shall indicate the primary service area (PSA) to be served. The PSA is that area which includes not less than thirty percent (30%) of the total occupied dwelling units within the total franchise area.

(b) The PSA shall be subject to approval by the County and shall be incorporated into a franchise granted pursuant to this chapter. Service within the PSA shall be at fixed rates and shall not include any line extension surcharges.
(Ord. of 5-1-1990, § 6A-7-2)

Sec. 6A-7-3. Extension outside the primary service area.

(a) A grantee shall extend its full service outside the PSA to any location within the franchise area in accordance with the line extension policy mandated by the County and incorporated into the franchise.

(b) To the extent that may be allowed by a grantee's franchise agreement or by federal or state law, the County, by ordinance, may require such grantee to interconnect its cable television system with other cable television systems or other broadband communications facilities (e.g., a television communication network connecting public institutions or facilities) located within the County. Such interconnection shall be made at such time as provided by applicable franchise agreement or within 180 days from the effective date of such an ordinance adopted by the County Board of Supervisors or within a longer period of time as may be specified by the Board in such an ordinance.

(c) A grantee shall make every reasonable effort to cooperate with cable television franchise holders in contiguous communities in order to provide cable service in areas within the County but outside the grantee's primary service area.

(d) The County shall make every reasonable effort to cooperate with the franchising authorities in contiguous communities and with the grantee in order to provide cable television service in areas outside the County.
(Ord. of 5-1-1990, § 6A-7-3)

*__Editor's note—__Attachment A is included at the end of this chapter.

Sec. 6A-7-4. System description and service.

(a) The cable television system to be installed by a grantee shall comply in all respects with the minimum standards with respect to the franchising of cable television systems and to the use of channels adopted by the Virginia Public Telecommunications Board and shall comply in all respects with the technical performance requirements set forth in the FCC's Rules for Cable Television, including applicable amendments thereto. If the FCC should delete said requirements or otherwise fail to preempt this area of regulation, the County hereby reserves the right to amend this chapter to incorporate technical standards.

(b) Applications for a franchise area described in section 6A-7-1 shall include proposals for the provision of designated channel capacity for public, educational or local governmental use, as provided in section 611 of the Cable Communications Policy Act of 1984 and shall include proposals for leased access channels as required by section 612 of the Cable Communications Policy Act of 1984. Such proposals by a grantee may be incorporated into the franchise granted by the Board and, to the extent so incorporated by the Board, shall subject the grantee to the following minimum requirements:

(1) The grantee shall set aside not less than one (1) and not more than three (3) channels for local use by the County residents for public, leased, governmental and educational access.

(2) The first channel will be designated "primary channel." The second and third channel will be designated "secondary channels."

(3) The primary channel will assign a frequency in the low band or high band (channels 2-13). The secondary channels may be assigned a frequency in any bandwidth.

(4) All operators within the County will conform to the common frequency designated for each of the above channels.

(5) The County will not require establishment of secondary channels unless the needs of local public, leased, governmental and educational users are not being served adequately by the sharing of one (1) channel.

(6) The grantee shall have no control over the content of access cable cast programs; however, this limitation shall not prevent taking appropriate steps to ensure compliance with the operating rules described herein.

(7) The grantee shall not be required to establish a County center for communications; however, the Board reserves the right to establish such a center for the purpose of producing governmental and educational programming and airing of same, subject to the following:

a. If so established, the grantee will be required to install and maintain all necessary cable and amplifiers to connect the grantee's system to the County center.

b. If so established, the cost of equipment at the County center will be equally shared by all grantees within the County, with the total cost of the grantees not to exceed twenty thousand dollars ($20,000.00) for all franchise areas. All equipment and facilities purchased and maintained will become property of Culpeper County.

c. If so established, the Board retains the right to either directly manage and operate the center or assign management and operation to an independent third party, or require joint management and operation by all grantees.

d. The County retains the right to request technical and personnel assistance from grantees related to the operation of the County center.

e. The County retains the option of permitting public access of the County channel(s). This use will not prohibit the grantee from establishing its own public access channel or facilities.

f. The County retains the right to permit leased access of the County channel(s) for the purpose of providing the channel with revenue income to help defray any and all operating expenses, capital costs and equipment purchases.

(8) The use of public access services and facilities of either the County or the grantee shall be available to residents of the County on a nondiscriminatory basis free of charge. Charges for equipment, personnel, and production of public access programming shall be reasonable and consistent with the goal of affording users a low-cost means of television access. Provided that a communications center is established, the County or grantee shall without charge also provide the replay of user-supplied video tapes on the public access channel. The County or grantee may require that such tapes be in a standard format compatible with available playback facilities. The County and grantee shall adopt operating rules for any available public access channel(s), to be filed with the County Administrator prior to the activation of the channel(s), designed to prohibit the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter, as well as rules requiring nondiscriminatory access and rules permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two (2) years.

(9) Educational access services and facilities shall be made available for the use of local educational authorities free of charge. The grantee and County shall adopt operating rules for the educational access channel(s), to be filed with the County Administrator prior to activation of the channel(s), designed to prohibit the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information and obscene or indecent matter, as well as a rule permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two (2) years.

(10) The local government access channel(s) and facilities shall be made available for the use of local government authorities free of charge.

(11) The leased access channel(s) shall be made available to leased users. The grantee and the County shall adopt operating rules for the channel(s), to be filed with the County Administrator prior to activation of the channel(s), designed to prohibit the presentation of lottery information and obscene or indecent matter and shall establish rules to this effect, and other rules requiring nondiscriminatory access, sponsorship identification, specifying an appropriate rate schedule and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting time. Such a record shall be retained for a period of two (2) years.

(c) A grantee shall provide without charge within the franchise area one (1) service outlet activated for regular subscriber service to each fire station, public school, police station, public library and such buildings used for public purposes as may be designated by the County; provided, however, that if it is necessary to extend a grantee's trunk or feeder lines more than five hundred (500) feet solely to provide service to any such school or public building, the County shall have the option of paying the grantee's direct costs for such extension in excess of five hundred (500) feet itself or of releasing the grantee from or postponing the grantee's obligation to provide service to such building. Furthermore, a grantee shall be permitted to recover from any public building owner entitled to free service the grantee's actual cost for any additional converters required and the

direct cost of installing, when so requested to do so, more than one (1) outlet or concealed inside wiring or a service outlet requiring more than two hundred fifty (250) feet of drop cable; provided, however, that the grantee shall not charge for the provision of regular subscriber service to the additional service outlets so installed in public schools, police stations, fire stations, public libraries and County offices in addition to any such other facilities as are specified in the grantee's franchise. The grantee shall provide full operational capability to the service outlets in the franchise area described above in accordance with the construction schedule mandated by article VII, section 6A-7-9, or in accordance with the construction schedule submitted with the grantee's proposal, whichever is earlier.

(d) The system shall be designed so that the manufacturer's stated cascade limitation of the amplifiers chosen by the grantee shall at all times be adhered to, and signal quality specification shall be maintained.

(e) A grantee shall not refuse cable television service to any person or organization who requests such service for lawful purposes.

(f) A grantee shall not permit the transmission of any programming under its control that is obscene or indecent.

(g) At the option of the subscriber, the grantee shall provide at cost a device capable of blocking out or otherwise disabling a television set from receiving those channels upon with the grantee imposes a charge based upon a per-program basis or a per-channel basis. This device shall be designed to permit a subscriber, by the use of a key or similar locking system, to prevent others who do not have a key from viewing or receiving the programs on the aforementioned channels.
(Ord. of 5-1-1990, § 6A-7-4)

Sec. 6A-7-5. Operational requirements and records.

(a) A grantee shall construct, operate and maintain the cable television system subject to full compliance with the rules and regulations, including applicable amendments, of the Federal Communications Commission and all other applicable federal, state or County laws and regulations. The cable television system and all its parts shall be subject to inspection by the County, and the County reserves the right to review a grantee's construction plans prior to commencement of construction.

(b) A grantee shall maintain an office within the County which shall be open and accessible to the public with adequate telephone service during normal business hours. A grantee shall employ an operator or maintain a telephone answering device twenty-four (24) hours per day each day of the year to receive subscriber complaints.

(c) A grantee shall exercise its best effort to design, construct, operate and maintain the system at all times so that signals carried are delivered to subscribers without material degradation in quality (within the limitations imposed by the technical state-of-the-art).

(d) Copies of all correspondence, petitions, reports, applications and other documents sent or received by a grantee from federal or state agencies having appropriate jurisdiction in matters affecting cable television operation shall be promptly furnished by the grantee to the County, if requested.

(e) In the case of any emergency or disaster, a grantee shall, upon request of the County, make available its facilities to the County or its agents or agencies for emergency use during the disaster periods. "Emergency" or "disaster" shall be limited to mean a natural disaster, man-made disaster, major disaster, state of emergency and/or local emergency, as defined in Virginia Code § 44-146, as amended.
(Ord. of 5-1-1990, § 6A-7-5)

Sec. 6A-7-6. Tests and performance monitoring.

(a) After any new portion of the system is made available for service to subscribers, technical performance tests may be required to be conducted by grantee(s) to demonstrate full compliance with all technical standards, including the technical standards of the Federal Communications Commission and section 6A-7-5(c) of this article. Such tests shall be performed by or under

the supervision of a registered professional engineer or an engineer with proper training and experience. A report of such tests shall be submitted to the County, describing test results, instrumentation, calibration and test procedures and the qualifications of the engineer responsible for the tests.

(b) System monitor test points shall be established at or near the output of the last amplifier in the longest feeder line, at or near trunk line extremities and at locations to be specified in the franchise. Such periodic tests shall be made at the test points as may be described by the County Administrator.

(c) At any time after commencement of service to subscribers, the County may require additional reasonable tests, including full or partial report tests, different test procedures or tests involving a specific subscriber's terminal, at the grantee's expense, to the extent such tests may be performed by the grantee's employees utilizing its existing facilities and equipment; provided, however, that the County reserves the right to conduct its own tests upon reasonable notice to the grantee, and, if noncompliance is found, the expense thereof shall be borne by the grantee. The County will endeavor to arrange its request for such special tests so as to minimize hardship or inconvenience to a grantee or to subscribers.

(d) The County shall have the same rights as the Federal Communications Commission has to inspect a grantee's performance test data.

(e) The County shall have the right to employ qualified consultants if necessary or desirable to assist in the administration of this section or any other section of this chapter.
(Ord. of 5-1-1990, § 6A-7-6)

Sec. 6A-7-7. Service, adjustment and complaint procedure.

(a) A grantee shall establish a maintenance service capable of promptly locating and correcting system malfunctions. Said maintenance service shall respond at all times to correct system malfunctions affecting a minimum of five (5) reporting subscribers within the same general area.

(b) A grantee shall maintain a listed local telephone number which shall be available to subscribers for service calls twenty-four (24) hours per day. Corrective action shall be initiated by a grantee not later than the next business day after a service call is received, and corrective action shall be completed as promptly as practicable. Appropriate records shall be made of service calls, showing when and what corrective action was completed. Such records shall be available to the County during normal business hours and retained in grantee's files for not less than three (3) years. Microfilm copies of such records shall satisfy the requirements of this section. A summary of such calls shall be prepared by the grantee and submitted to the County Administrator annually upon request in a form acceptable to the County Administrator beginning twelve (12) months after service is provided to the first subscriber.

(c) A grantee shall provide each subscriber, at the time service is first provided to the subscriber, written information, which shall include:

(1) The name, address, mailing address and telephone number of the grantee's representative or representatives to whom the subscriber may submit consumer or service complaints.

(2) The business address, mailing address and telephone number of the County Administrator's office to whom the subscriber may submit consumer or service complaints.

(d) The County Administrator shall keep records of subscriber complaints for such length of time as may be required by the Board.

(e) A grantee may interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after giving notice, reasonably calculated to reach subscribers, of service interruption at least twenty-four (24) hours in advance of the service interruption. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance and repair, without notification, except on Saturday, Sunday or holiday.
(Ord. of 5-1-1990, § 6A-7-7)

Sec. 6A-7-8. Street occupancy.

(a) A grantee shall utilize existing poles, conduits and other facilities whenever possible and shall not construct or install any new, different or additional poles, conduits or other facilities whether on public property on privately owned property until approval of the property owner or appropriate governmental authority is obtained. Approval shall not be unreasonably withheld. However, no location of any pole or wire-holding structure of a grantee shall be a vested interest, and such poles, structures or facilities shall be removed, replaced or modified by a grantee at its own expense whenever the Board or other governmental authority determines that the public convenience would be enhanced thereby.

(b) Where the County, other unit of government or a public utility serving the County desires to make use of the poles or other wire-holding structures of a grantee but agreement therefor with the grantee cannot be reached, the Board may require the grantee to permit such use for such consideration and upon such terms as the Board shall determine to be just and reasonable, if the Board determines that the use would enhance the public convenience and would not unduly interfere with the grantee's operations.

(c) Unless otherwise regulated, all transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of owners of property which adjoins or abuts a street, way or other property upon which a grantee has placed its facilities, and at all time such facilities shall be kept and maintained in a safe, adequate and substantial condition and in good order and repair. A grantee shall at all times employ at least reasonable care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by a grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(d) In those areas of the County where electric and telephone utility lines have been placed underground, a grantee shall place its lines and installations underground. In areas where either telephone or electric facilities are aboveground at the time of installation, the grantee may install its service aboveground, provided that at such time as both of those facilities are placed underground, the grantee shall forthwith place its facilities underground, and the cost of same shall be paid by the grantee, and no special charge shall be imposed upon any subscriber for such placing of facilities underground.

(e) In the event of disturbance of any road or private property by a grantee, it shall, at its own expense and in a manner approved by the County, other appropriate governmental authority or the owner, as the case may be, replace and restore such road or private property in as good a condition as before the work causing such disturbance was done. In the event that the grantee fails to perform such replacement or restoration, the County, other governmental authority or the owner shall have the right to do so at the sole expense of the grantee. Payment to the County, governmental authority or owner for such replacement or restoration shall be upon demand.

(f) At the request of any person holding a valid building moving permit issued by the County or any other government authority, if such a permit is required, and upon at least forty-eight (48) hours' notice, the grantee shall temporarily raise, lower or cut its wires as may be necessary to facilitate such move. The direct expense of such temporary changes, including standby time, shall be paid by the permit holder, and the grantee shall have the authority to require payment in advance.

(g) A grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the regulation, supervision and/or direction of the County or other local government authority.

(Ord. of 5-1-1990, § 6A-7-8)

Sec. 6A-7-9. Construction schedule and reports.

(a) Upon accepting a franchise, a grantee shall, within sixty (60) days, apply or otherwise file the documents required to obtain all necessary fed-

eral, state and local licenses, permits and authorizations required for the conduct of its business and the construction and installation of its facilities, and it shall submit monthly reports to the County Administrator on progress in this respect until all such licenses, permits and authorizations are secured.

(b) A grantee shall commence construction of the cable system within six (6) months after acceptance of a franchise. It shall complete construction of the system and shall offer and be capable of delivering cable television service to all occupied dwelling units in the PSA and all public service outlets in the franchise area as described in article VIII, section 6A-7-4(c), in accordance with the following schedule.

No Later Than	Minimum Percentage of Occupied Dwelling Units in PSA and Minimum Percentage of Public Service Outlets in the Franchise Area
12 months after commencing construction	20
18 months after commencing construction	40
24 months after commencing construction	60
30 months after commencing construction	80
36 months after commencing construction	100

For the purposes of this section, construction shall be deemed to have commenced when the first aerial stands of cable have been attached to a pole or the first underground trench has been opened. The failure of a grantee to secure the necessary federal, state and local licenses, permits and authorizations required for the conduct of its business shall in no way relieve the grantee from the obligations of this section and the failure to observe the construction schedule above shall, in addition to the other right of the County, be grounds for the County to terminate or revoke the franchise.

(c) Franchise applications shall include a timetable showing the percentage of occupied dwelling units within the PSA that will be capable of receiving cable television service at the end of each year following the beginning of construction. Said timetable shall be incorporated into the franchise and shall be enforceable as to the Grantee under the provisions of this chapter.

(d) Within three (3) months after accepting the franchise, a grantee shall furnish the County a construction schedule and map setting forth target dates consistent with subsections (b) and (c) of this section, for commencement of service to subscribers and the areas to be served. The schedule and map shall be updated whenever substantial changes become necessary.

(e) Every three (3) months after the start of construction, a grantee shall furnish the County a report on progress of construction until complete. The report shall include a map that clearly defines the areas wherein regular subscriber service is available.
(Ord. of 5-1-1990, § 6A-7-9)

Sec. 6A-7-10. Protection of privacy.

(a) A grantee shall not permit the transmission of nor shall a grantee receive any signal, aural, visual or digital, including polling channel selection, from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use or transmission of signals useful only for the control or measurement of system performance.

(b) A grantee shall not permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services utilizing aural, visual or digital signals without first obtaining written permission of the subscriber.

(c) A grantee shall notify, in writing, each subscriber what personal information the grantee shall receive or collect for each subscriber and what use will be made of this information. The notice shall be given prior to the commencement of providing service to a subscriber and at least once a year thereafter. "Personal information" shall mean any item, collection or grouping of information about an individual or subscriber that is received, collected or maintained by the grantee, including but not limited to the individ-

ual or subscriber education, social security number, financial transactions, medical history, property, uses of cable television service or cable communications and then information described in subsection (a) of this section.
(Ord. of 5-1-1990, § 6A-7-10)

ARTICLE VIII. GENERAL PROVISIONS

Sec. 6A-8-1. Limits on grantee's recourse.

(a) Except as expressly provided in this chapter and the franchise, a grantee shall have no recourse against the County for any loss, expense or damage resulting from the terms and conditions of this chapter or the franchise or because of the County's enforcement thereof nor the County's failure to have the authority to grant the franchise. A grantee shall expressly agree that upon its acceptance of the franchise it does so relying upon its own investigation and understanding of the power and authority of the County to grant said franchise.

(b) A grantee, by accepting the franchise, shall acknowledge that it has not been induced to accept the same by any promise, oral or written, by or on behalf of the County or by any third person regarding any term or condition of this chapter or the franchise not expressed therein. A grantee shall further pledge that no promise or inducement, oral or written, has been made to any County employee or official regarding receipt of the cable television franchise; and that it will not hire any individual employed full time by the County or a consultant employed by the County to assist the County in the administration of this chapter. Such proscription of employment shall extend for one (1) year following the granting of the franchise unless the Board of Supervisors consents to such employment at an earlier time.

(c) A grantee shall further acknowledge by acceptance of a franchise that it has carefully read the terms and conditions of this chapter and the franchise and accepts without reservation the obligations imposed by the terms and conditions herein.

(d) Any decision or decisions of the Board of Supervisors concerning the selection of one (1) or more grantees and the awarding of one (1) or more franchises is final.
(Ord. of 5-1-1990, § 6A-8-1)

Sec. 6A-8-2. Special license.

The County reserves the right to issue a license, easement or other permit to anyone other than a grantee to permit that person to traverse any portion of a grantee's franchise area within the County in order to provide service outside the County or to access any local origination facility. Such license or easement, absent a grant or a franchise in accordance with this chapter, shall not authorize nor permit said person to provide a cable television service of any nature to any home or place of business within the County nor to render any service or connect any subscriber within the County to the grantee's cable television system.
(Ord. of 5-1-1990, § 6A-8-2)

Sec. 6A-8-3. Franchise validity.

A grantee shall agree, by the acceptance of a franchise, to accept the validity of the terms and conditions of this chapter and the franchise in their entirety and that it will not, at any time, proceed against the County in any claim or proceeding challenging any term or provision of this chapter or the franchise as unreasonable, arbitrary or void or that the County did not have the authority to impose such term or condition.
(Ord. of 5-1-1990, § 6A-8-3)

Sec. 6A-8-4. Failure to enforce franchise.

A grantee shall not be excused from complying with any of the terms and conditions of this chapter or the franchise by any failure of the County, upon any one (1) or more occasions, to insist upon the grantee's performance or to seek the grantee's compliance with any one (1) or more of such terms or conditions.
(Ord. of 5-1-1990, § 6A-8-4)

Sec. 6A-8-5. Rights reserved to County.

The County hereby expressly reserves the following rights:

(1) To exercise its governmental powers, now or hereafter, to the full extent that such powers may be vested in or granted to the County.

(2) To adopt, in addition to the provisions contained herein and in the franchise and in any existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police power.

(3) To amend this chapter.

(Ord. of 5-1-1990, § 6A-8-5)

Sec. 6A-8-6. Employment requirement.

A grantee shall not refuse to hire nor discharge from employment nor discriminate against any person regarding compensation, terms, conditions or privileges of employment because of age, sex, race, color, creed or national origin. A grantee shall take affirmative action to ensure that employees are treated, during employment, without regard to their age, sex, race, color, creed or national origin. This condition includes, but is not limited to, the following: recruitment, advertising, employment interviews, employment, rates of pay, upgrading, transfer, demotion, layoff and termination.

(Ord. of 5-1-1990, § 6A-8-6)

Sec. 6A-8-7. Time essence of agreement.

Whenever this chapter or the franchise sets forth any time for any act to be performed by or on the behalf of a grantee, such time shall be deemed of the essence, and the grantee's failure to perform within the time allotted shall, in all cases, be sufficient grounds for the County to invoke the remedies available under the terms and conditions of this chapter and the franchise.

(Ord. of 5-1-1990, § 6A-8-7)

Sec. 6A-8-8. Acceptance.

(a) A franchise and its terms and conditions shall be accepted by a grantee by written instrument filed with the County Administrator within thirty (30) days after the granting of the franchise. In its acceptance, the grantee shall declare that it has carefully read the terms and conditions of this chapter and the franchise and accepts all of the terms and conditions imposed by this chapter and the franchise and agrees to abide by same.

(b) Acceptance of a franchise by a grantee shall operate as a waiver by the grantee of any claim to operate a cable television system within the County against the regulatory power of the County because of the previous operation of the same, whether by franchise or otherwise.

(Ord. of 5-1-1990, § 6A-8-8)

Sec. 6A-8-9. Liquidated damages.

Notwithstanding any other remedy provided for in this chapter or otherwise available under law, the County shall have the power to recover monetary amounts from the grantee under certain conditions, such monetary amounts being the nature of liquidated damages. The conditions for and amounts of such damages are listed below. By accepting a franchise, a grantee automatically agrees that the following conditions will cause damages to the County and that the monetary amounts are established because it is difficult to ascertain the exact amount of the damages. The damages resulting to the County include, but are not limited to:

(1) Loss of franchise fees that would have otherwise been paid to or would have become due to the County; and

(2) Administrative costs incurred by the County.

a. For failure to submit plans indicating expected date of installation of various parts of the system: One hundred dollars ($100.00) per day.

b. For failure to commence operations in accordance with this chapter and/or the franchise: Two hundred dollars ($200.00) per day.

c. For failure to complete construction and installation of the system within the required time limits: Three hundred dollars ($300.00) per day.

d. For failure to supply data requested by the County in accordance with the requirements of the franchise and this chapter, such date pertaining to installation, construction, cus-

tomers, finances or financial reports or rate review: Fifty dollars ($50.00) per day.

e. For failure to otherwise provide service to a subscriber in accordance with the requirements of this chapter: Ten dollars ($10.00) per day per subscriber affected, but not to exceed fifty dollars ($50.00) per subscriber per month and, further, not to exceed one thousand dollars ($1,000.00) per day in the aggregate. This amount shall be reduced by any refunds of subscriber fees made to subscribers affected by the failure, etc., to provide service.

(Ord. of 5-1-1990, § 6A-9-9)

Sec. 6A-8-10. Unlawful acts.

It shall be unlawful for any person to attach or affix or to cause to be attached or affixed any equipment or devices which allow access or use of the cable televisions service without payment to the grantee for the same.
(Ord. of 5-1-1990, § 6A-8-10)

Sec. 6A-8-11. Penalties.

(a) The following acts shall be deemed Class 1 misdemeanors under this chapter, each day of a continuing offense in a separate offense:

(1) Transmission or reception by a grantee of a signal from a subscriber's premises in violation of article VII, section 6A-7-10.

(2) Attaching or affixing or causing to be attached or affixed any equipment or device as described in section 6A-8-10 of this article. The attaching of or affixing of each unit of such equipment or device shall constitute a separate offense.

(3) Noncompliance with the provisions of article VIII, section 6A-8-13.

(b) The violation of any other provision of this chapter shall be subject to such other penalties as shall be prescribed by law or ordinance. Each day of a continuing offense is a separate offense.
(Ord. of 5-1-1990, § 6A-8-11)

Sec. 6A-8-12. Severability.

If any section of this chapter or the franchise or any portion thereof is held invalid or unconstitutional by any court of competent jurisdiction or administrative agency, such decision shall not affect the validity of the remaining portions hereof, except as otherwise provided for herein.
(Ord. of 5-1-1990, § 6A-8-12)

Sec. 6A-8-13. Financial disclosure by applicants.

(a) Every request for a proposal shall require and every cable franchise application shall contain, a complete and detailed listing, under oath of the following information:

(1) The names and positions of all County officers and employees known to the applicant to have any interest in the entity making application, and the extent of such interest.

(2) The names of all officers of the applicant and the names and last-known addresses of all persons who have acted as attorney, broker, consultant or agent of the applying entity with respect to the application.

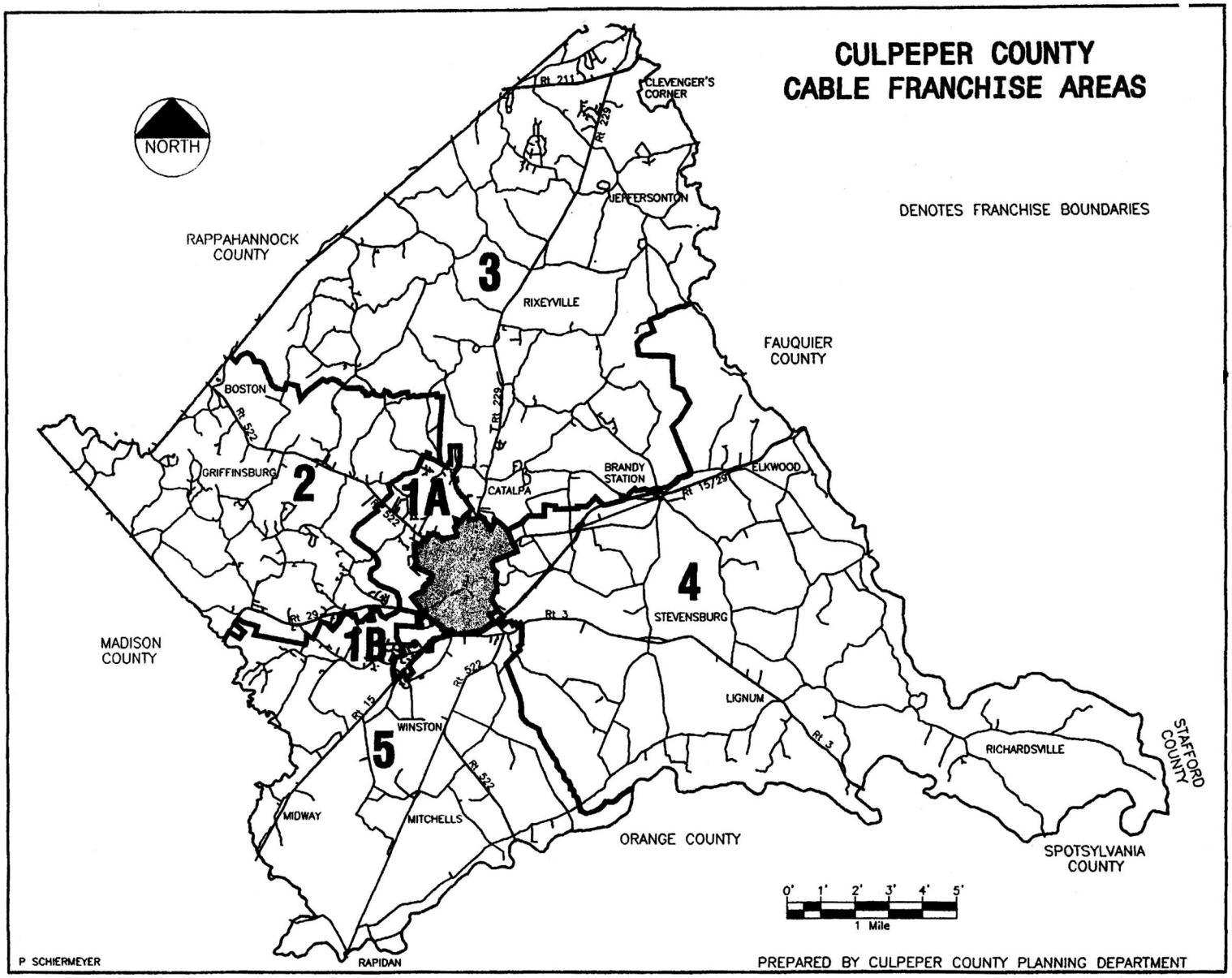
(3) The names and last-known addresses of all persons who own or control any interest in the applying entity; in the case of a partnership or joint venture or syndicate, the names and last known addresses of all partners or participants; in the case of a corporation having fewer than two hundred (200) stockholders, the names and last-known addresses of all stockholders; and in the case of a corporation having more than two hundred (200) stockholders, the names and last-known addresses of the two hundred (200) stockholders who own or control the greatest percentage of voting and ownership interest in the applying entity; except that corporations having more than two thousand (2,000) stockholders and whose stock is traded on a national stock exchange shall disclose only those stockholders owning a stock interest of one percent (1%) or more provided, however, that if any partner or stockholder so identified is other than an

individual, the name and last-known addresses of all persons who own or control any interest in such person shall be stated; provided, further, that if any statement of ownership discloses an interest held by a person other than an individual, a similar disclosure statement shall be provided. For the purpose of this subsection, a person holding any ownership interest as a trustee shall not be deemed to be an individual; and all persons who may have any interest under the trust, whether vested or contingent, shall be included in the required statements.

(4) The names and last-known addresses of all holders of debt of the applying entity, other than stockholders or suppliers of goods and services paid on current account in excess of five thousand dollars ($5,000.00) or one percent (1%) of the total outstanding indebtedness of the entity, whichever is lesser.

(5) The name and position of each County officer, employee or immediate family of any officer or employee to whom or on behalf of whom the applying entity or any person described in subsection (3) hereof has made any gift, donation or political contribution of one hundred dollars ($100.00) or more within three (3) years preceding the filing of the application, the name of the donor and the amount or value of the gift, donation or political contribution. As to elected County officials, this requirement includes disclosure of donations to their principal campaign committees and authorized committees, as defined by 2 U.S.C. § 431, and campaign committees formed pursuant to Virginia Code § 24.1-251, et seq.

(b) The Board of Supervisors, in its discretion, may eliminate from consideration any applicant for the award of a cable television franchise within the County who is not in compliance with the provisions of the disclosure requirements of this chapter.
(Ord. of 5-1-1990, § 6A-8-13)


CULPEPER COUNTY
CABLE FRANCHISE AREAS
NORTH
DENOTES FRANCHISE BOUNDARIES
RAPPAHANNOCK COUNTY
FAUQUIER COUNTY
MADISON COUNTY
ORANGE COUNTY
SPOTSYLVANIA COUNTY
STAFFORD COUNTY
CLEVENGER'S CORNER
JEFFERSONTON
RIXEYVILLE
BOSTON
GRIFFINSBURG
CATALPA
BRANDY STATION
ELKWOOD
STEVENSBURG
LIGNUM
RICHARDSVILLE
WINSTON
MIDWAY
MITCHELLS
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1A
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P SCHIERMEYER
PREPARED BY CULPEPER COUNTY PLANNING DEPARTMENT

Chapter 6B

COMMERCIAL REGULATIONS

Article I. Pawnbrokers

ARTICLE I. PAWNBROKERS

Sec. 6B-1. Authority; applicability.

This article is adopted pursuant to the authority of Chapter 40, Title 54.1 and section 15.2-1200 of the Code of Virginia, 1950, as amended. The provisions of this article shall not have effect within the corporate limits of any town in the County.

Sec. 6B-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County Administrator means the County Administrator or his designee.

Pawnbroker means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Sec. 6B-3. License.

(a) *Required.* No person shall engage in the business of a pawnbroker without having a valid license issued by the County Administrator.

(b) *Application; issuance.* No such license shall be issued unless the applicant shall furnish to the County Administrator an order of the circuit court issued pursuant to section 54.1-4001 of the Code of Virginia, 1950, as amended, authorizing the County to issue the license. In addition, the applicant shall complete an application on a form furnished by the County Administrator which shall require the applicant to furnish his full name, aliases, address, date of birth, driver's license number, sex, fingerprints and photograph; the name, address and telephone number of the applicant's employer; the proposed location of the applicant's place of business; a statement of whether the applicant will purchase, sell or take possession of firearms; and certification from the zoning administrator or his designee that operation of the business of a pawnbroker at the proposed location is a permitted use of the premises. Upon furnishing the court order, filing the application and paying an application fee of two hundred dollars ($200.00), the applicant shall be issued a license by the County Administrator, provided that the applicant has not been convicted of a felony or a crime of moral turpitude within seven (7) years prior to the date of application. The license may be denied if the applicant has been denied a license or has had a license revoked under any ordinance similar in substance to this article.

(c) *Duration; renewal; transfer.* The license shall be valid for twelve (12) months from the date thereof, and may be renewed in the same manner as the initial license was obtained, with an annual license fee of two hundred dollars ($200.00). No license shall be transferable.

(d) *Location of business.* The license shall designate the building in which the licensee shall carry on business. No person shall engage in the business of a pawnbroker in any location other than the one designated in his license, except with consent of the circuit court which authorized issuance of the license and upon written notification of the County Administrator.

(e) *Penalty.* Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. Each day's violation shall constitute a separate offense.

Sec. 6B-4. Limitation on number of pawnshops.

Not more than ten (10) places in the County shall be licensed where the business of a pawnbroker may be conducted, none of which shall be located closer than one (1) mile to any other.

Sec. 6B-5. Bond required; private action on bond.

(a) No person shall be licensed by the County as a pawnbroker or engage in the business of a pawnbroker unless such person shall first provide proof of compliance with the requirements of section 54.1-4003 of the Code of Virginia, 1950, as

amended, that there shall be in existence a bond with surety in the minimum amount of fifty thousand dollars ($50,000.00) to secure the payment of any judgment recovered under the provisions of subsection (b) of this section.

(b) As provided in section 54.1-4003 of the Code of Virginia, 1950, as amended, any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

Sec. 6B-6. Memorandum to be given pledgor; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging anything, a memorandum or note, signed by him, containing the information required by section 6B-9. A lost-ticket fee of not more than five dollars ($5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

Sec. 6B-7. Sale of goods pawned.

No pawnbroker shall sell any pawn or pledge item until (i) it has been in his possession for the minimum term set forth in the memorandum, but not less than thirty (30) days, plus a grace period of fifteen (15) days and (ii) a statement of ownership is obtained from the pawner. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.

Sec. 6B-8. Interest chargeable.

No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent (10%) per month on a loan of twenty-five dollars ($25.00) or less, or seven percent (7%) per month on a loan of more than twenty-five dollars ($25.00) and less than one hundred dollars ($100.00), or five percent (5%) per month on a loan of one hundred dollars ($100.00) or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.

Sec. 6B-9. Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction occurring in the course of his business. The account shall be recorded at the time of the loan or transaction on a form approved by the sheriff or other law-enforcement officer designated by the attorney for the Commonwealth pursuant to section 6B-10 and shall include:

(1) A description, serial number, and a written statement of ownership signed by the pledgor of the goods, articles or things pawned or pledged or received on account of money loaned thereon;

(2) The time, date and place of the transaction;

(3) The amount of money loaned thereon at the time of the pledge;

(4) The rate of interest to be paid on such loan;

(5) The fees charged by the pawnbroker, itemizing each fee charged;

(6) The full name, residence address, workplace, home and work telephone numbers, and driver's license number or other form of identification of the person pawning or pledging the goods, articles or things, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;

(7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

(8) The terms and conditions of the loan, including the period for which any such loan may be made; and

(9) All other facts and circumstances respecting such loan.

(b) Every pawnbroker shall comply with regulations promulgated by the superintendent of state police specifying:

(1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and

(2) The nature of identifying credentials of the person pawning or pledging the goods. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.

Sec. 6B-10. Daily reports.

Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him that day and file such report by noon of the following day with the County sheriff or other law-enforcement officer of the County designated by the attorney for the Commonwealth to receive it. The report shall include the pledgor's name, residence, and driver's license number or other form of identification, and a description of the goods, articles or other things pledged, and shall be in writing and clearly legible to any person inspecting it.

Sec. 6B-11. Examination of records and property; seizure of stolen goods.

Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker's place of business, during regular business hours, any duly authorized law-enforcement officer of the County or any incorporated town therein, or any law-enforcement official of the state or federal government. The pawnbroker or employee shall permit the officer to (i) examine all records required by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the pawnbroker a receipt.

Sec. 6B-12. Property owned not to be disfigured or changed.

No property received on deposit or pledge by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner so long as it continues in pawn or in the possession of the pawnbroker while in pawn.

Sec. 6B-13. Care of tangible personal property; evaluation fee.

(a) Pawnbrokers shall store, care for and protect all of the tangible personal property in the pawnbroker's possession and protect the property from damage or misuse. Nothing in this chapter shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.

(b) A pawnbroker may charge a monthly storage fee for any items requiring storage, which fee shall not exceed five percent (5%) of the amount loaned on such item.

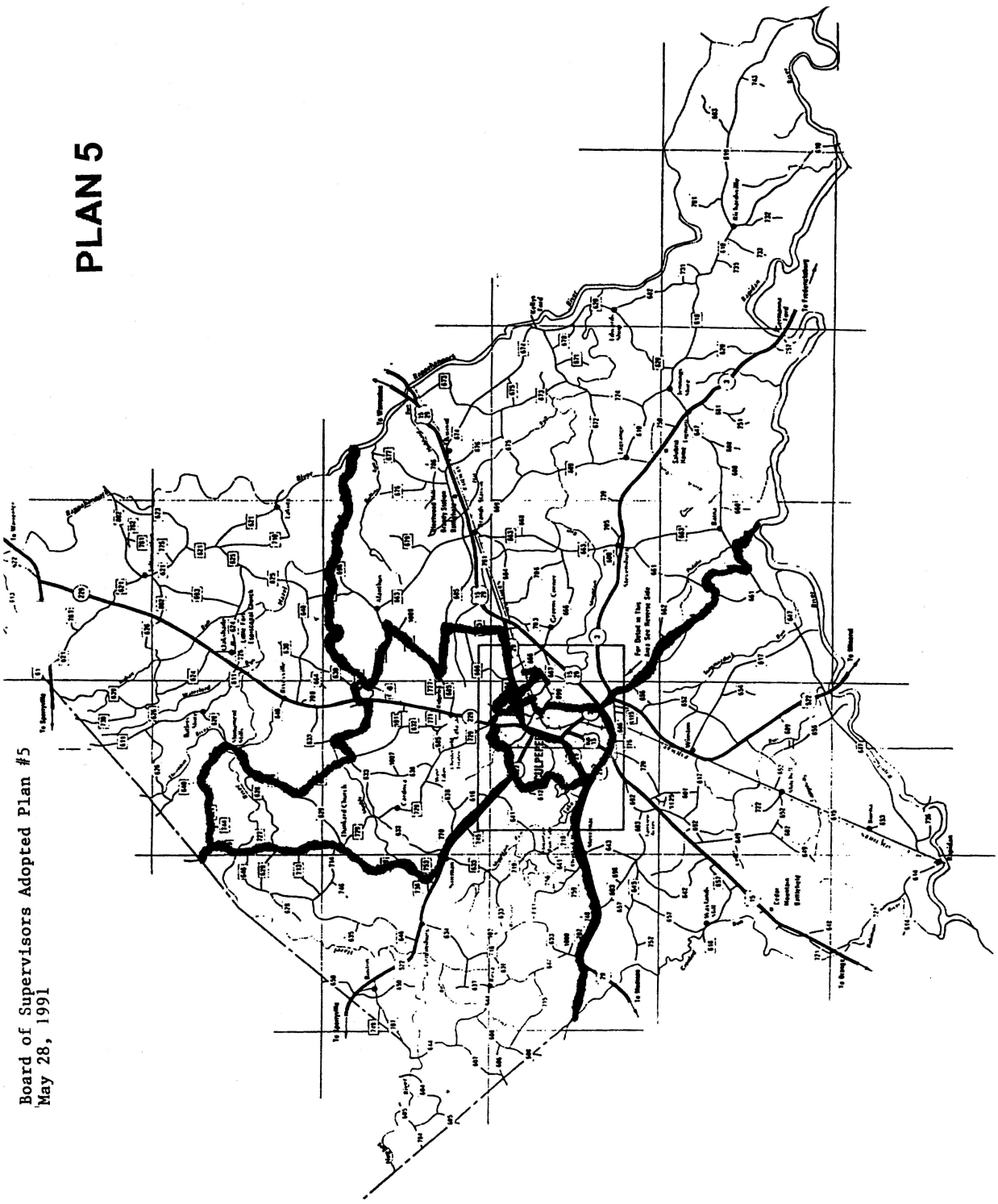
Sec. 6B-14. Penalties.

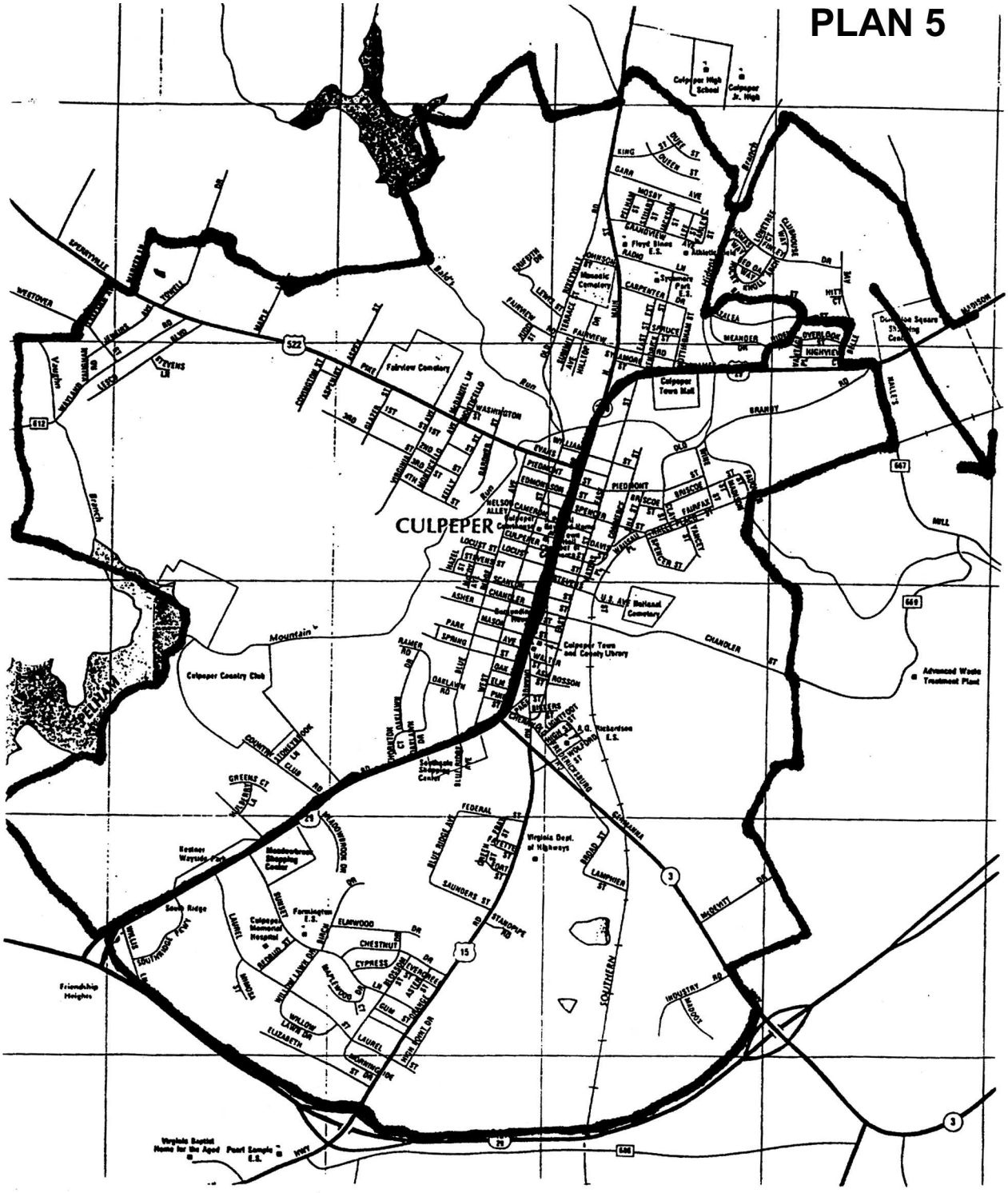
(a) *Criminal penalty.* Except as otherwise provided in section 6B-3, any licensed pawnbroker who violates any of the provisions of this article shall be guilty of a Class 4 misdemeanor.

(b) *Suspension or revocation of license.* In addition to the penalty provided in subsection (a) of this section, the Court may revoke or suspend the pawnbroker's license for second and subsequent offenses.

(c) *Enforcement under Consumer Protection Act.* Additionally, any violation of the provisions of this article shall constitute a prohibited practice as provided in section 59.1-200 of the Code of Virginia, 1950, as amended, and shall be subject to any and all of the enforcement provisions available to the County under the Virginia Consumer Protection Act (Chapter 17, Title 59.1, Code of Virginia, 1950, as amended).
(Ord. of 8-3-1999)

Editor's note—The ordinance of 8-3-1999 was enacted pursuant to the requirements of § 54.1-4001 of the Code of Virginia, 1950, as amended 1998.


PLAN 5
Board of Supervisors Adopted Plan #5
May 28, 1991


PLAN 5
CULPEPER
Culpeper High School
Culpeper Jr. High
Fairview Cemetery
Culpeper Town Hall
Culpeper Country Club
Culpeper Town and County Library
Rollland Cemetery
Advanced Waste Treatment Plant
Culpeper Memorial Hospital
Farmington E.S.
Pearl Sample E.S.
Virginia Dept. of Highways
Mountain
Run
Branch
Creek
522
29
15
3
522
612
667
669
666

Chapter 7

ELECTIONS*

*__Editor's note—__An ordinance adopted May 10, 2001, repealed the former Ch. 7, §§ 7-1—7-4 and enacted a new Ch. 7 as set out herein. The former Ch. 7 pertained to similar subject matter and derived from Ord. of June 1, 1971, § 4, and Ord. of April 2, 1991.

__State law reference—__Elections, Code of Virginia, Title 24.1.

Sec. 7-1. Establishment and boundaries of magisterial districts, election districts, precincts and polling places.

The County shall be divided into seven (7) magisterial districts, which shall be named and bounded as described in this article, and which shall be the election districts for the County within the meaning of the Virginia Code § 15.2-1211. Each election district shall contain voting precincts and polling places as described in this chapter. Each election district shall elect one (1) Supervisor.
(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-2. Catalpa Magisterial District.

7-2.1 District Description.

Beginning at a point at the intersection of Routes 694 and 229, north along Route 229 to where it crosses Muddy Run. Thence east and north along Muddy Run to Route 630. Thence north along Route 630 to its intersection with Route 631. Thence west along Route 631 to its intersection with Route 229. Thence north along Route 229 to its intersection with Route 640. Thence west along Route 640 to its intersection with Route 628. Thence north along Route 628 to its intersection with Route 611. Thence northwest along Route 611 to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to the Hazel River. Thence east along the Hazel River to Route 729. Thence south along Route 729 to its intersection with Route 629. Thence south along Route 629 to its intersection with Route 522. Thence southeast along Route 522 to the Culpeper Town-County Line. Thence north and east along the Culpeper Town-County Line to Route 229. Thence north along Route 229 to the beginning point at the intersection of Routes 229 and 694.

7-2.2 Precinct Descriptions.

7-2.2a Cardova Precinct (#0301).

Beginning at a point at the intersection of Routes 694 and 229, north along Route 229 to its intersection with Route 685. Thence west along Route 685 to its intersection with Route 632. Thence north along Route 632 to its intersection with Route 633. Thence west along Route 633 to its intersection with Route 729. Thence northwest along Route 729 to its intersection with Route 629. Thence south along Route 629 to its intersection with Route 522. Thence southeast along 522 to the Culpeper Town-County Line. Thence north and east along the Culpeper Town-County Line to Route 229. Thence north along Route 229 to the beginning point at the intersection of Routes 229 and 694.

7-2.2b Eggbornsville Precinct (#0302).

Beginning at a point at the intersection of Routes 685 and 229 north along Route 229 to where it crosses Muddy Run. Thence east and north along Muddy Run to Route 630. Thence north along Route 630 to its intersection with Route 631. Thence west along Route 631 to its intersection with Route 229. Thence north along Route 229 to its intersection with Route 633. Thence west along Route 633 to Muddy Run. Thence west along Route 633 to Muddy Run. Thence west along Muddy Run to Route 632. Thence northwest along Route 632 to its intersection with Route 629. Thence north along Route 629 to its intersection with Route 628. Thence northeast along Route 628 to its intersection with Route 640. Thence north along Route 640 to its intersection with Route 628. Thence northeast along Route 628 to its intersection with Route 611. Thence northwest along Route 611 to its intersection with Route 626. Thence northeast along Route 626 to its intersection with Route 639. Thence north along Route 639 to Indian Run. Thence southeast along Indian Run to its confluence with a tributary to Indian Run. Thence north along tributary to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper Line to the Hazel River. Thence east along the Hazel River to Route 729. Thence south along Route 729 to its intersection with Route 633. Thence east along Route 633 to its intersection with Route 632. Thence south along Route 632 to its intersection with Route 685. Thence east along Route 684 to the beginning point at the intersection of Routes 229 and 685.

7-2.3 Polling Locations.

7-2.3a Cardova Magisterial Precinct: Culpeper County High School 14240 Achievement Drive, Culpeper, VA 22701.

7-2.3b Eggbornsville Precinct: Emerald Hill Elementary School 11245 Rixeyville Road, Culpeper, VA 22701.

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-3. Cedar Mountain Magisterial District.

7-3.1 District Description.

Beginning at a point where Route 522 crosses the Rapidan River (Orange-Culpeper County Line) north along Route 522 to its intersection with Route 647. Thence east along Route 647 to its intersection with Route 617. Thence north along Route 617 to its intersection with Route 652. Thence north along Route 652 to its intersection with Route 522. Thence north along Route 522 to its intersection with Route 3. Thence northwest along Route 3 to the Culpeper Town-County Line. Thence west along the Culpeper Town-County Line to the southern edge of Lake Pelham. Thence west along the southern edge of Lake Pelham to Route 1025. Thence south along Route 1025 to its intersection with Route 718. Thence southeast along Route 718 to its intersection with Route 29. Thence west along Route 29 to its intersection with Route 643. Thence northwest along Route 643 to its intersection with Route 717. Thence southwest along Route 717 to its intersection with Route 29. Thence west along Route 29 to its intersection with Route 603. Thence south along Route 603 to its intersection with Route 657. Thence south along Route 657 to its intersection with Route 645. Thence east along Route 645 to its intersection with Route 657. Thence south along Route 657 to Crooked Run (Madison-Culpeper County Line). Thence south along Crooked Run to its confluence with the Robinson River. Thence south along the Robinson River to its confluence with the Rapidan River. Thence east along the Rapidan River to the beginning point where Route 522 crosses the Rapidan River. Thence northwest along Route 522 to its intersection with Route 629. Thence north along Route 629 to its intersection with Route 729. Thence north along Route 729 to the point at which Route 729 crosses the Hazel River. Thence west along the Hazel River to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to the Madison County Line at the Hughes River. Thence south along the Madison-Culpeper County Line to the beginning point where Route 657 crosses Crooked Run.

7-3.2 Precinct Descriptions.

7-3.2a Mitchells Precinct #(0601).

Beginning at a point where Route 522 crosses the Rapidan River (Orange-Culpeper County Line) north along Route 522 to its intersection with Route 647. Thence east along Route 647 to its intersection with Route 617. Thence north along Route 617 to its intersection with Route 652. Thence north along Route 652 to its intersection with Route 522. Thence south along Route 522 to its intersection with Route 617. Thence west along Route 617 to its intersection with Route 692. Thence south along Route 692 to its intersection with Route 649. Thence north along Route 649 to its intersection with Route 15. Thence south along Route 15 to where it crosses Crooked Run (Madison-Culpeper County Line). Thence south along Crooked Run to its confluence with the Robinson River. Thence south along Robinson River to its confluence with the Rapidan River. Thence east along the Rapidan River to the point of beginning.

7-3.2b Pearl Sample Precinct #(0602).

Beginning at a point where Route 15 crosses Crooked Run (Madison-Culpeper County Line) north along Route 15 to its intersection with Route 649. Thence south along Route 649 to its intersection with Route 692. Thence north along Route 692 to its intersection with Route 617. Thence east along Route 617 to its intersection with Route 522. Thence north along Route 522 to its intersection with Route 3. Thence northwest along Route 3 to Culpeper Town-County Line. Thence west along the Culpeper Town-County Line to the southern edge of Lake Pelham. Thence west along the southern edge of Lake Pelham to Route 1025. Thence south along Route 1025 to its intersection with Route 718. Thence southeast along Route 718 to its intersection with Route 29. Thence west along Route 29 to its intersection with Route 643. Thence northwest along Route 643 to its intersection with Route 717. Thence southwest along Route 717 to its intersection with Route 29.

Thence west along Route 29 to its intersection with Route 603. Thence south along Route 603 to its intersection with Route 657. Thence south along Route 657 to its intersection with Route 645. Thence east along Route 645 to its intersection with Route 657. Thence south along Route 657 to Crooked Run (Madison-Culpeper County Line). Thence south along Crooked Run to the point of beginning.

7-3.3 Polling Locations.

7-3.3a Mitchells Precinct: Mitchells Presbyterian Church 12229 Mitchell Road, Mitchells, VA 22729

7-3.3b Pearl Sample Precinct: Pearl Sample School 18480 Simms Drive, Culpeper, VA 22701

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-4. East Fairfax Magisterial District.

7-4.1 District Description (#0201).

Beginning at a point where Route 29 Business crosses the Culpeper Town-County Line, south and east along the Culpeper Town-County Line and continuing north and then west along the Culpeper Town-County Line to Hidens Branch. Thence south along Hidens Branch and its tributary to Thomas Way. Thence south along Thomas Way to its intersection with Rocky Knoll Arch. Thence east along Rocky Knoll Arch to its intersection with Belle Avenue. Thence south along Belle Avenue to its intersection with Route 15-29 Business (James Madison Highway). Thence west along James Madison Highway to its intersection with Main Street. Thence south along Main Street to its intersection with Route 29 Business. Thence south along Route 29 Business to the beginning point at the Culpeper Town-County Line.

7-4.2 Polling Location.

7-4.2a East Fairfax Magisterial District: Culpeper County Library 271 Southgate Shopping Center, Culpeper, VA 22701

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-5. West Fairfax Magisterial District.

7-5.1 District Description (#0101).

Beginning at a point where Route 29 Business crosses the Culpeper Town-County Line, north along Route 29 Business to its intersection with Main Street. Thence north along Main Street to its intersection with James Madison Highway. Thence east along James Madison Highway to its intersection with Belle Avenue. Thence north along Belle Avenue to its intersection with Rocky Knoll Arch. Thence west along Rocky Knoll Arch to its intersection with Thomas Way. Thence north along Thomas Way to a tributary to Hidens Branch. Thence north along Hidens Branch and its tributary to the Culpeper Town-County Line. Thence north, west, and then south, following the Culpeper Town-County Line all the way to the beginning point at Route 29 Business.

7-5.2 Polling Location.

7-5.2a West Fairfax Magisterial District: Culpeper Methodist Church 1233 Oaklawn Drive, Culpeper, VA 22701

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-6. Jefferson Magisterial District.

7-6.1 District Description.

Beginning at the confluence of the Hazel and Rappahannock Rivers, north along the Rappahannock River (Culpeper-Fauquier County Line) to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to its intersection with Route 611. Thence southeast along Route 611 to its intersection with Route 628. Thence southwest along Route 628 to its intersection with Route 640. Thence east on Route 640 to its intersection with Route 229. Thence south along Route 229 to its intersection with Route 631. Thence east along Route 631 to its intersection with Route 630. Thence south along Route 630 to Muddy Run. Thence east along Muddy Run to its confluence with the Hazel River. Thence east along the Hazel River to the beginning point at the confluence of the Hazel and Rappahannock Rivers.

7-6.2 Precinct Descriptions.

7-6.2a Jeffersonton Precinct #(0501).

Beginning at the confluence of the Hazel and Rappahannock Rivers, north along the Rappahannock River (Culpeper-Fauquier County

Line) to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to a point where a tributary to Indian Run crosses. Thence south along tributary to its confluence with Indian Run. Thence southeast along Indian Run to its confluence with the Hazel River. Thence southeast along the Hazel River to the point of beginning.

7-6.2b Rixeyville Precinct #(0502).

Beginning at the intersection of Route 229 and Route 631, east along Route 631 to its intersection with Route 630. Thence south along Route 630 to Muddy Run. Thence east along Muddy Run to its confluence with the Hazel River. Thence north and west along the Hazel River to its confluence with Indian Run. Thence northwest along Indian Run to its confluence with a tributary. Thence north along tributary to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to Route 611. Thence southeast along Route 611 to its intersection with Route 628. Thence southwest along Route 628 to its intersection with Route 640. Thence southeast along Route 640 to its intersection with Route 229. Thence south along Route 229 to the point of beginning.

7-6.3 Polling Locations.

7-6.3a Jeffersonton Precinct: Jeffersonton Center 4410 Jeffersonton Road, Jeffersonton, VA 22724

7-6.3b Rixeyville Precinct: Hazel River Assembly of God Church 14383 Hazel River Church Road, Rixeyville, VA 22737

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-7. Salem Magisterial District.

7-7.1 District Description.

Beginning at a point where Route 657 crosses Crooked Run, north on Route 657 to its intersection with Route 645. Thence west along Route 645 to its intersection with Route 657. Thence north along Route 657 to its intersection with Route 603. Thence north along Route 603 to its intersection with Route 29. Thence east along Route 29 to its intersection with Route 717. Thence northeast along Route 717 to its intersection with Route 643. Thence southeast along Route 643 to its intersection with Route 29. Thence east along Route 29 to its intersection with Route 718. Thence northwest along Route 718 to its intersection with Route 1025. Thence northeast along Route 1025 to the southern edge of Lake Pelham. Thence east along the southern edge of Lake Pelham to the Culpeper Town-County Line. Thence north along the Culpeper Town-County Line to Route 522.

7-7.2 Precinct Descriptions.

7-7.2a Eldorado Precinct #(0401).

Beginning at the confluence of the Hughes River and Hazel River at the Rappahannock Culpeper County Line, east along the Hazel River to Route 522. Thence south along Route 522 to Devils Run. Thence south along Devils Run to its confluence with Stoney Run. Thence south along Stoney Run to Route 634. Thence east along Route 634 to its intersection with Route 716. Thence south along Route 716 to a tributary to Lake Rillhurst. Thence northeast along tributary to the southern shore of Lake Rillhurst. Thence east along the southern shore of Lake Rillhurst to its confluence with a tributary to Caynor Lake. Thence east along tributary to Caynor Lake. Thence along the southern shore of Caynor Lake to its confluence with Mountain Run. Thence southeast along Mountain Run to Lake Pelham. Thence east along the southern edge of Lake Pelham to the Culpeper Town-County Line. Thence north along the Culpeper Town-County Line to Route 522. Thence northwest along Route 522 to its intersection with Route 629. Thence north along Route 629 to its intersection with Route 729. Thence north along Route 729 to the point at which Route 729 crosses the Hazel River. Thence west along the Hazel River to the Rappahannock-Culpeper County Line. Thence southwest along the Rappahannock-Culpeper County Line to the point of beginning.

7-7.2b Browns Store Precinct #(0402).

Beginning at a point where Route 657 crosses Crooked Run, north on Route 657 to its intersection with Route 645. Thence west along Route 645 to its intersection with Route 657. Thence north along Route 657 to its intersec-

tion with Route 603. Thence north along Route 603 to its intersection with Route 29. Thence east along Route 29 to its intersection with Route 717. Thence northeast along Route 717 to its intersection with Route 643. Thence southeast along Route 643 to its intersection with Route 29. Thence east along Route 29 to its intersection with Route 718. Thence northwest along Route 718 to its intersection with Route 1025. Thence northeast along Route 1025 to the southern edge of Lake Pelham. Thence northwest along the southern edge of Lake Pelham to its confluence with Mountain Run. Thence northwest along Mountain Run to its confluence with Caynor Lake. Thence northwest along the southern shore of Caynor Lake to a tributary to Caynor Lake. Thence west along tributary to Lake Rillhurst. Thence west along the southern shore of Lake Rillhurst to a tributary to Lake Rillhurst. Thence west along the tributary to Route 716. Thence north along Route 716 to its intersection with Route 634. Thence west along Route 634 to Stoney Run. Thence north along Stoney Run to its confluence with Devils Run. Thence north along Devils Run to Route 522. Thence north along Route 522 to the Hazel River. Thence west along the Hazel River to its confluence with the Hughes River at the Rappahannock-Culpeper County Line. Thence west along the Hughes River to the Madison-Culpeper County Line. Thence southeast along the Madison-Culpeper County line to the point of beginning.

7-7.3 Polling Locations.

7-7.3a Eldorado Precinct: New Salem Baptist Church 8233 Sperryville Pike, Culpeper, VA 22701

7-7.3b Browns Store Precinct: Champion Chevrolet 10411 James Monroe Highway, Culpeper, VA 22701

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-8. Stevensburg Magisterial District.

7-8.1 District Description.

Beginning at the confluence of the Hazel and Rappahannock Rivers, west along the Hazel River. Thence at the confluence of the Hazel River and Muddy Run, west along Muddy Run to Route 229. Thence south along Route 229 to its intersection with Route 694. Thence east and south along Route 694 to its intersection with Route 15-29 Business. Thence south along the Culpeper Town-County Line to Route 3. Thence east on Route 3 to its intersection with Route 522. Thence south on Route 522 to its intersection with Route 652. Thence south on Route 652 to its intersection with Route 617. Thence south along Route 617 to its intersection with Route 647. Thence west along Route 647 to its intersection with Route 522. Thence south along Route 522 to the Rapidan River (Orange-Culpeper County Line). Thence east along the Rapidan River to its confluence with the Rappahannock River. Thence north along the Rappahannock River to the beginning point at the confluence of the Rappahannock and Hazel Rivers.

7-8.2 Precinct Locations.

7-8.2a Brandy Station Precinct #(0702).

Beginning at the confluence of the Hazel and Rappahannock Rivers, west along the Hazel River to the confluence of the Hazel River and Muddy Run. Thence west along Muddy Run to Route 229. Thence south along Route 229 to its intersection with Route 694. Thence east and south along Route 694 to its intersection with Route 15-29 Business. Thence south along the Culpeper Town-County Line to Route 3. Thence east on Route 3 to Mountain Run. Thence east along Mountain Run to Route 669. Thence south along Route 669 to its intersection with Route 672. Thence east along Route 672 to its intersection with Route 620. Thence north and east along Route 620 to the Rappahannock River (Fauquier-Culpeper County Line). Thence north along the Rappahannock River to the point of beginning.

7-8.2b Lignum Precinct #(0703).

Beginning at a point where Route 3 crosses the Rapidan River, (Orange-Culpeper County Line), north along Route 3 to the intersection with Route 620. Thence north along Route 620 to the intersection with Route 610. Thence west along Route 610 to the intersection with Route 620. Thence north along Route 620 to the intersection with Route 672. Thence west along Route 672 to the intersection with Route

669. Thence north along Route 669 to Mountain Run. Thence west along Mountain Run to Route 3. Thence east along Route 3 to the intersection with Route 522. Thence south along Route 522 to the intersection with Route 652. Thence south along Route 652 to the intersection with Route 617. Thence south along Route 617 to the intersection with Route 647. Thence south along Route 647 to the intersection with Route 522. Thence south along Route 522 to the Rapidan River (Orange-Culpeper County Line). Thence east along the Rapidan River to the point of beginning.

7-8.2c Richardsville Precinct #(0704).

Beginning at a point where Route 3 crosses the Rapidan River, (Orange-Culpeper County Line) east along the Rapidan River to its confluence with the Rappahannock River. Thence north along the Rappahannock River to a point where it intersects with Route 620. Thence southwest along Route 620 to the intersection with Route 610. Thence east along Route 610 to the intersection with Route 620. Thence south along Route 620 to the intersection with Route 3. Thence south along Route 3 to the point of beginning.

7-8.3 Polling Locations.

7-8.3a Brandy Station Precinct: Brandy Station Fire Hall 19601 Church Road, Brandy Station, VA 22714

7-8.3b: Lignum Precinct: Hopewell Methodist Church 23557 Lignum Road, Lignum, VA 22726

7-8.3c Richardsville Precinct: Richardsville Fire Hall 29361 Eleys Ford Road, Richardsville, VA 22736

(Ords. of 5-10-2001; 1-3-2002)

Sec. 7-9 Absentee voter precinct.

A central absentee voter precinct is hereby established for the entire County and all magisterial districts and precincts thereof at the office of the Registrar, 131 W. Davis Street, Culpeper, Virginia 22701, for the purpose of receiving, counting and recording all absentee ballots cast in Culpeper County for any federal, state or local election, general or special.

(Ord. of 7-6-2004)

Chapter 8

EROSION AND SEDIMENTATION CONTROL*

Article I. In General

Article II. Land-Disturbing Activities

Division 1. Land-Disturbing Permit

Division 2. Control Plan

*__Cross references—__Building regulations, Ch. 6; water supply, Ch. 14; zoning ordinance, App. A; subdivision ordinance, App. B.

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

Adequate Stabilization shall mean permanent vegetation, eighty percent (80%) to ninety percent (90%) cover at least three (3) inches tall with no bare spots.

Agreement in lieu of a plan shall mean a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence or other development; this contract may be executed by the program authority in lieu of a formal site plan.

Applicant shall mean any person submitting an erosion and sediment control plan for approval and requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board shall mean the Virginia Soil and Water Conservation Board.

Certified Inspector shall mean an employee or agent of the County of Culpeper who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified Plan Reviewer shall mean an employee or agent of Culpeper County, who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified Program Administrator or *Administrator* shall mean the Zoning Administrator or his designated agent, who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one (1) year after enrollment.

Clearing shall mean any activity which removes the vegetative ground cover, including but not limited to, vegetation removal, root mat removal and/or topsoil removal.

Denuded shall refer to land that has been physically disturbed and no longer supports vegetative cover.

Development shall mean a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

District or *Soil and Water Conservation District* shall mean a governmental subdivision of the state organized in accordance with the provisions of the Article 3 of Chapter 5 of Title 10.1 of the Code of Virginia, as amended. For the purpose of this chapter, this shall be the Culpeper Soil and Water Conservation District.

Dormant shall refer to denuded land that is not actively being brought to a desired grade or condition.

Erosion and Sedimentation Control Plan or *Plan* shall mean a document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area shall mean an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

Excavating shall mean any digging, scooping or other method of removing earth materials.

Filling shall mean any depositing or stockpiling of earth materials.

Governing body shall mean the Board of Supervisors of Culpeper County.

Grading shall mean any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands, including but no limited to, clearing, grading, excavating, transporting and filling of land. In no instance shall the provisions of this chapter be construed to apply to the following land changes:

(1) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street, or sidewalk, provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

(4) Septic tank lines or drainage fields, unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by septic tank system;

(5) Surface or deep mining; neither shall it include exploration or drilling for oil and gas, including the well site, roads, feeder lines, and off-site disposal areas;

(6) Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows; construction of terraces, terrace outlets, check dams, desiltation basins, dikes, ponds not required to comply with the provision of the Dam Safety Act, Article 2 (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing and drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provision of Chapter 11 (§ 10.1-1100 et seq.) of this title, or is converted to bona-fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163;

(7) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(8) Disturbed land areas of less than ten thousand (10,000) square feet in size; except in those area designated by the County as environmentally sensitive areas (such as floodplains, steep slopes fifteen percent (15%) plus, wetlands, and the Mountain Run Lake/Lake Pelham Watershed) whereby a plan shall be required;

(9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(10) Emergency work to protect life, limb or property, and emergency repairs; provided, that if the land-disturbing activity would have required an approved erosion and sedimentation control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority.

Land-Disturbing Permit shall mean a permit issued by Culpeper County for clearing, filling, excavating, grading or transporting, or any combination thereof.

Live Watercourse means a definite channel with bed and banks within which concentrated water flows continuously.

Local Erosion and Sediment Control Program shall mean the policies of the governing body and the plan-approving authority, and provisions of the Culpeper County Erosion and Sediment Control Ordinance, including the methods and procedures employed by the County to regulate land-disturbing activities and thereby implement, administer and enforce such policies and provisions of such ordinance and of the current editions of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations, which are hereby adopted as an integral part of this Ordinance.

Natural Stream means nontidal waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches or swales shall not be considered natural streams.

Non-erodible means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

Owner shall mean the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee shall mean the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person shall mean any individual, partnership, firm, association, joint-venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, County, city, town or other political subdivision of the commonwealth, any interstate body or any other legal entity.

Plan-Approving Authority shall mean the Program Administrator who shall be responsible for considering review comments from the Culpeper Soil and Water Conservation District and for approving plans.

Plan Reviewing Authority shall mean the Culpeper Soil and Water Conservation District, who shall be responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of land.

Program Authority shall mean the County of Culpeper, which has adopted a soil erosion and sediment control program which has been approved by the Board.

Responsible Land Disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Sediment Basin means a temporary impoundment built to retain sediment and debris with a controlled storm water release structure.

Sediment Trap means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

State Erosion and Sediment Control Program or *State Program* means the program administered by the Board pursuant to this article, including regulations designed to minimize erosion and sedimentation.

State Waters shall mean all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

Subdivision shall mean any subdivision of land as defined in the Culpeper County Subdivision Ordinance.*

*__Editor's note—__See Appendix B of this Code.

Transporting shall mean any moving of earth materials from one (1) place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.
(Ords. of 8-4-1992, § 8-1; 10-8-1996; 1-6-1998; 11-6-2001; 12-3-2002(1))

Sec. 8-2. Purpose of chapter.

The purpose of this chapter is to conserve the land, water and other natural resources of Culpeper County in compliance with the Virginia Erosion and Sediment Control Act, § 10.1-562 and to promote the public health and welfare of the people in Culpeper County. This is done by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.
(Ords. of 8-4-1992, § 8-2; 10-8-1996)

Sec. 8-3. Authorization.

(a) This chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4, known as the "Erosion and Sediment Control Law." This article provides for a comprehensive statewide program, with standards and guidelines to control soil erosion and sedimentation, which is to be implemented at a local level.

(b) Any erosion and sediment control program adopted by Culpeper County shall be approved by the Board to ensure consistency with the State program and regulations for erosion and sediment control.
(Ords. of 8-4-1992, § 8-3; 10-8-1996)

Sec. 8-4. Chapter Intended as Adjunct to Subdivision and Zoning Ordinances.

It is the intent of this chapter to be an adjunct to both the County's Subdivision and Zoning Ordinances,* wherein such apply to the development and subdivision of land within the County or wherein such apply to development on previously subdivided land within the County. This chapter shall not be applicable within the incorporated limits of the Town of Culpeper.
(Ords. of 8-4-1992, § 8-4; 10-8-1996)

Sec. 8-5. Inspection and enforcement of chapter.

(a) Erosion and Sediment Control inspections, as authorized by this chapter, shall be the responsibility of the Program Administrator or his designated agent, a certified inspector, and/or the plan-approving authority who may call upon any expert source to support its findings.

(1) Inspections will be in accordance with Virginia Erosion and Sediment Control Regulation VAC50-30-60B or, if approved, with an alternative inspection program, to ensure the continued performance of all erosion and sediment control structures and systems.

(2) Inspections will combine developer reporting and administrator visiting methods.

(3) In addition to periodic inspections, a final inspection will be conducted on-site by the Administrator or his agent, to verify full compliance with the requirements of the plan.

(4) The owner, permittee or person responsible for carrying out the plan shall be given notice of the inspection.

(5) Enforcement of this chapter shall rest with the Administrator.

(b) Each application resulting in an approved erosion and sediment control plan shall be deemed to authorize or provide right-of-entry by the appropriate persons for the purpose of inspection, monitoring and installation, and maintenance of erosion and sediment control measures.

(c) Upon determination that a violation exists, the Administrator shall prepare a notice to comply which shall contain a detailed description of the measures necessary for compliance, including a time period in which to comply. The notice to comply shall be served upon the permittee or person responsible for carrying out the plan by

*__Editor's note—__See Appendices B and A, respectively, of this Code.

registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

(d) If the violation continues to exist after the compliance time period established in the notice to comply has expired:

(1) The Administrator may issue a stop work order on all or part of a land-disturbing activity if a permit holder fails to comply with a Notice to Comply. The order shall be served in the same manner as the notice to comply or may be posted at the work site and shall remain in effect for seven (7) days from the date of service or posting.

(2) The Administrator shall notify all permit issuing authorities to withhold all future permits to the permit holder until the violation is corrected, and, upon failure to comply within the time specified in the Notice to Comply the permit for the project in violation may be revoked.

(3) The Administrator may send a letter of intent to utilize the performance bond or cash escrow to apply the measures necessary to correct the deficiency. This letter will be served in the same manner as required for the notice to comply.

(e) The Administrator may issue a stop work order on all or part of a land-disturbing activity without first issuing a notice to comply if the alleged non-compliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in state waters.

(f) The Administrator shall issue a total stop work order on all land-disturbing activity which is regulated by the Culpeper County Erosion and Sediment Control Ordinance which has commenced without an approved plan or permit. This order shall remain in effect until a permit is secured and may be issued whether or not the alleged violator has been issued a notice to comply as specified in § 8-5(d)(1).
(Ords. of 8-4-1992, § 8-5; 10-8-1996; Ord. of 1-6-1998; 12-3-2002(1))

Sec. 8-6. Reserved.

Editor's note—An ordinance adopted Dec. 3, 2002, repealed § 8-6 which pertained to land disturbing activities exempted from chapter and derived from Ord. of Aug. 4, 1992, § 8-6; and Ord. of Oct. 8, 1996.

Sec. 8-7. Agreement in lieu of a plan.

(a) Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority. In this case, the Agreement shall control and be binding on the owner, as if it were an approved control plan, and shall be enforceable under this chapter as would a control plan. In addition, as a prerequisite to approval of the Agreement in lieu of the plan, the person responsible for carrying out the plan shall provide the name and certification number of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land-disturbing activity, in accordance with the approved plan.

(b) Where land disturbing activities involve lands under the jurisdiction of more than one (1) local control program an erosion and sediment control plan may, at the option of the applicant, be submitted to the board for review and approval rather than to each jurisdiction concerned.
(Ords. of 10-8-1996; 1-6-1998; 11-6-2001; 12-3-2002(1))

Sec. 8-8. Appeals from Decisions under chapter.

(a) Final decisions of the Administrator under this chapter shall be subject to review by the Board of Supervisors, provided an appeal is filed within thirty (30) days from the date of any written decision by the Administrator.

(b) Final decisions of the Board of Supervisors under this chapter shall be subject to review by the Culpeper County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision.
(Ords. of 8-4-1992, § 8-7; 10-8-1996; 1-6-1998)

Sec. 8-9. Penalty for Violations of chapter.

(a) A violation of this chapter shall constitute a Class I misdemeanor.

(b) Culpeper County Board of Supervisors reserves the right to establish a uniform schedule of civil penalties as permitted by Subsection J of § 10.1-562 of the Code of Virginia. At such time as the Board of Supervisors adopts said schedule of penalties, any person who violates any provision of the erosion and sediment control program, or any provision of this article, upon a finding of an appropriate general district court, shall be assessed a civil penalty in accordance with the schedule.

(c) The Administrator may apply to the Culpeper County Circuit Court for injunctive relief to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that there does exist an adequate remedy at law.

(d) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to Culpeper County in civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, at the discretion of the court, to a civil penalty not to exceed two thousand dollars ($2,000.00) for each violation.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board of Supervisors, or any condition of a permit or any provision of this chapter, the Administrator may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in section 8-9(e). Such civil charges shall be in place of any appropriate civil penalty which could be imposed under section 8-9(b) and (e).

(g) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.
(Ords. of 8-4-1992, § 8-8; 10-8-1996; 1-6-1998; 12-3-2002(1))

Sec. 8-10. Control Measures to be Undertaken at Owner's Expense; Bonding of Performance; Refund of Bond.

(a) All control measures required by the provisions of this chapter shall be undertaken at the expense of the owner or his agent; and pending such actual provision thereof, the owner or his agent shall execute and file with the Administrator, prior to issuance of the land-disturbing permit, an agreement and bond (or agreements and bonds) in an amount determined by the Administrator to be equivalent to the approximate total cost of providing erosion and sedimentation control improvements plus a reasonable additional allowance for administrative cost, inflation, and potential project failure, with surety approved by the Administrator, guaranteeing that the required control measures will be properly and satisfactorily undertaken and maintained. Where a corporate surety or letter of credit is to be utilized, the financial institution involved must be approved under the current bonding policy of the Board of Supervisors. Financial institution ratings will be reviewed quarterly. Although accepted, if the rating should drop below the policy's minimum standard, the County will have the right to draw on the letter or surety.

(b) Within sixty (60) days of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent or terminated, as the case may be. Such release shall be predicated upon all obligations having been fulfilled to the satisfaction of the Administrator.
(Ords. of 8-4-1992, § 8-9; 10-8-1996)

Secs. 8-11—8-20. Reserved.

ARTICLE II. LAND-DISTURBING ACTIVITIES

DIVISION 1. LAND-DISTURBING PERMIT

Sec. 8-21. Required.

Except as provided in section 8-6 of this chapter, no person shall engage in any land-disturbing activity, as defined in section 8-1 of this chapter, within the County until he has acquired a land-disturbing permit.
(Ord. of 8-4-1992, § 8-21))

Sec. 8-22. Issuance; prerequisites.

Issuance of a land-disturbing permit is conditioned on an approved erosion and sedimentation control plan, and certification of such, which shall be presented at the time of application for such permit and the meeting of the requirements of section 8-10 of this chapter. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name and certification number of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land-disturbing activity, in accordance with the approved plan.
(Ords. of 8-4-1992, § 8-22; 10-8-1996; 11-6-2001)

Sec. 8-23. Reserved.

Sec. 8-24. Fees.

Fees are established by the Board of Supervisors and are designated to help defray the costs of administering this program. Fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill and Administrator's expense involved.
(Ords. of 8-4-1992, § 8-24; 10-8-1996)

Secs. 8-25—8-31. Reserved.

DIVISION 2. CONTROL PLAN

Sec. 8-32. Submission and approval.

(a) Except as provided for in sections 8-6 and 8-7 of this chapter, no person may engage in any land-disturbing activity until such person has submitted to the County, an erosion and sediment control plan for review and approval. The preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner. State agencies are exempt except as provided for in Virginia Erosion and Sediment Control Law, § 10.1-564.

(b) Any area designated by the Administrator to be an erosion impact area will require submission of an erosion and sediment control plan which must be reviewed and approved by the plan-approving authority.

(c) Four copies of the erosion and sedimentation control plan shall be submitted to the Administrator, who will route two (2) to the plan-approving authority.

(d) Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually to the Board for review and written comments.
(Ords. of 8-4-1992, § 8-32; 10-8-1996; 1-6-1998; 12-3-2002(1))

Sec. 8-33. Contents, Format, and Minimum Standards.

(a) For any erosion and sedimentation control plan required under this chapter, such plan shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

(b) As a minimum, the erosion and sedimentation control plan shall follow the format detailed in Virginia Erosion and Sedimentation Control Regulations, VR 625-02-00, and the current edition of the Virginia Erosion and Sedimentation Control Handbook, as may be amended from time to time, which by reference is adopted as part of this chapter.

(c) Approved standards and specifications for control techniques to be utilized in preparing the plan are set forth in the current edition of the Virginia Erosion and Sedimentation Control Handbook, as may be amended from time to time, which by reference, are adopted as a portion of this chapter. The minimum standards, as defined

by the Virginia Erosion and Sediment Control Regulations, include but are not limited to the following:

(1) Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven (7) days to denuded areas that may not be at final grade but will remain dormant for longer than thirty (30) days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one (1) year.

(2) During construction of the project, soil stockpiles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

(3) A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature enough to survive, and will inhibit erosion.

(4) Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land-disturbing takes place.

(5) Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation.

(6) Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin. A sediment basin shall be required to control drainage areas greater than or equal to three (3) acres.

(7) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion.

(8) Concentrated runoff shall not flow down, cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.

(9) Whenever water seeps from a slope face, adequate drainage or other protection shall be provided.

(10) All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(11) Before newly constructed storm water conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and the receiving channel.

(12) When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Non-erodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by non-erodible cover materials.

(13) When a live watercourse must be crossed by construction vehicles more than twice in any six (6) month period, a temporary vehicular stream crossing constructed of non-erodible material shall be provided.

(14) All applicable federal, state and local regulations pertaining to working in or crossing live watercourses shall be met.

(15) The beds and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.

(16) Underground utility lines shall be installed in accordance with the standards specified within VR 625-02-00 and all other applicable criteria.

(17) Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the roadway surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and be transported to a sediment control disposal area. Street washing shall be allowed only after the sediment is removed in this manner. This provision shall apply to individual lot developments as well as to larger land-disturbing activities.

(18) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the Program Administrator. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

(19) Properties and waterways downstream from development sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of storm water runoff for the stated frequency storm of twenty-four-hour duration in accordance with standards specified within VR 625-02-00 and the current edition of the Virginia Erosion and Sedimentation Handbook.

(d) All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended functions.

(1) Periodic inspections are required by the property owner or the permittee to ensure that the structures continue to perform as designed and approved in the Erosion and Sediment Control Plan. A statement describing the maintenance responsibilities of the permittee shall be included in the plan.

(2) All devices shall be checked, repaired and maintained immediately after any runoff producing storm event.

(Ord. of 10-8-1996; 12-3-2002(1))

Sec. 8-34. Approval or Disapproval.

Any erosion and sediment control plan submitted under the provisions of this chapter will be acted on in forty-five (45) days from receipt by either approving or disapproving in writing and giving specific reasons for disapproval by the plan-approving authority. Approval will be granted if the plan meets the requirements of this ordinance and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land-disturbing activity, in accordance with the approved plan. When a plan is determined to be inadequate, the notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no formal action has been taken by the plan-approving authority in forty-five (45) days after receipt of the plan, the plan shall be deemed approved.

(Ords. of 8-4-1992, § 8-34; 10-8-1996; 1-6-1998; 11-6-2001)

Sec. 8-35. Pre-Construction Meeting.

(a) After the erosion and sediment control plan has been approved but prior to the commencement of land-disturbing activity, a meeting will be held with the permittee, the contractor responsible for the project, the Administrator and any other person deemed necessary by the Administrator. This meeting is for the purpose of reviewing the scope of the work and the time frame for the project.

(b) The Administrator may waive the requirement for a pre-construction meeting if it is determined that, based on the scope of the project, such a meeting is unnecessary.
(Ord. of 8-4-1992, § 8-35)

Sec. 8-36. Amendments to Approved Plan.

An approved plan may be changed by the plan-approving authority in the following cases:

(a) Where an inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of this chapter, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with the Virginia Erosion and Sediment Control Regulations, minimum requirements for controlling erosion and sedimentation; or

(b) If on-site inspection indicates that the approved control measures are not effective in controlling erosion and sedimentation or, because of changed circumstances, the approved plan cannot be carried out.

(Ords. of 8-4-1992, § 8-36; 10-8-1996; Ord. of 1-6-1998)

Sec. 8-37. Variances.

Any variation to the provisions of this chapter must be requested in writing. The program Administrator will respond to such requests in writing. Variances shall only be approved where it can be clearly shown that the purposes of this chapter as set forth in section 8-2 will be fully met.
(Ord. of 12-3-2002(1))

Chapter 8A

LAW LIBRARY, PUBLIC

Article I. In General

Article II. Assessment of Fees; Library Fund

Article III. Operation

ARTICLE I. IN GENERAL

Sec. 8A-1. Title of chapter.

This chapter shall be called "An Ordinance to Establish a Public Law Library and to Assess, as Part of the Costs Incident to each Civil Action Filed in the Courts of Culpeper County, a Fee for the Establishment and Upkeep of the Public Law Library."
(Ord. of 11-9-1989)

Sec. 8A-2. Authority.

Authority is found for this chapter pursuant to § 42.1-70, code of Virginia 1950, as amended.
(Ord. of 11-9-1989)

Sec. 8A-3. Citation.

This chapter shall be cited as Chapter 8A of the Culpeper County Code and shall become a part of that Code upon its enactment by the Board.*
(Ord. of 11-9-1989)

Sec. 8A-4. Effective date.

This ordinance shall become effective December 1, 1989.
(Ord. of 11-9-1989)

ARTICLE II. ASSESSMENT OF FEES; LIBRARY FUND

Sec. 8A-5. Assessment of costs.

There is hereby assessed and imposed, as part of the costs incident to each civil action filed in the courts of Culpeper County, a fee, in the amounts below set out in sections 8A-6 and 8A-7 of this Code. Such costs are added by authority of § 42.1-70, Code of Virginia 1950, as amended.
(Ord. of 11-9-1989)

Sec. 8A-6. Circuit Court.

The law library cost for the Circuit Court is four dollars ($4.00) per civil action filed.
(Ord. of 11-9-1989)

Sec. 8A-7. District courts.

The law library cost for district court is four dollars ($4.00) per civil action filed.
(Ord. of 11-9-1989)

Sec. 8A-8. Library fund.

There is hereby created a fund, to be kept by the Culpeper County Treasurer, wherein these assessments herein imposed are to be deposited. The Clerk of the court affected shall remit all funds received pursuant to this assessment to the Treasurer, who shall hold the funds subject to the disbursements of the Board of Supervisors.
(Ord. of 11-9-1989)

Sec. 8A-9. Fund adjustment.

The Board of Supervisors of Culpeper County may, from time to time, by ordinance, adjust the amounts of the assessments herein created, as required to maintain a sufficient, but not excessive, fund balance for the operation of the library.
(Ord. of 11-9-1989)

Sec. 8A-10. Contributions.

Authority is hereby given the County Administrator to accept donations of books, cash or other things of value for the use of the library if, in the Administrator's judgment, those things proffered would benefit the purpose and operation of the library.
(Ord. of 11-9-1989)

ARTICLE III. OPERATION

Sec. 8A-11. Creation of library.

There is hereby created a public law library, the expenses of which are to be met by the Law Library Fund created by this chapter.
(Ord. of 11-9-1989)

Sec. 8A-12. Allowable expenses; purchase authority.

The proceeds of the fund so established may be used to purchase those items so allowed by state statute, including the provision of office space and the costs of personnel to act as librarian. The type

*__Editor's note—__This chapter was originally enacted as Ch. 15 but was renumbered to accommodate the alphabetical sequence of the Code.

of library research materials to be purchased shall be approved by the County Attorney. Expenditures for expenses shall conform to established County purchase procedures.
(Ord. of 11-9-1989)

Sec. 8A-13. Hours of operation; location.

Hours of operation of the library shall be determined by the Board of Supervisors and shall be established by resolution. Hours may be changed as necessary and shall at all times be at hours convenient to the public. Location shall be likewise subject to determination of the Board by resolution.
(Ord. of 11-9-1989)

Sec. 8A-14. Library management.

The Board of Supervisors shall establish a written policy respecting the day-to-day management of the library, including responsibilities of those County employees to be charged with the responsibility of operating the library.
(Ord. of 11-9-1989)

Sec. 8A-15. Free library; exception; handicap access.

(a) In-house utilization of library resources shall be free to all users. Exceptions may be made with respect to extraordinary expenses. Otherwise, use of resources and conference space shall be subject to Board policy.

(b) The library shall at all times be accessible to handicapped individuals.
(Ord. of 11-9-1989)

Chapter 9

MISCELLANEOUS OFFENSES AND PROVISIONS

Article I. Miscellaneous

Article II. Regulation of Smoking in County Owned and Leased Buildings

Article III. Regulation of Open Fires

Article IV. Ethics in Public Contracting

ARTICLE I. MISCELLANEOUS

Sec. 9-1. Burning of brush, leaves, grass, etc.

(a) It shall be unlawful for any owner or lessee of land within the County to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other flammable material upon such land, unless he previously shall have taken all reasonable care and precaution, by having cut and filed the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other flammable material, upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land.

(b) During the period beginning March 1st and ending May 15th of each year, even though the precautions required by subsection (a) above are taken, it shall be unlawful in any portion of the County organized for forest fire control under the direction of the state forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other flammable material capable of spreading fire, located in or within three hundred (300) feet of any woodland or brush land, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

(c) The provisions of subsection (b) of this section shall not apply to any fires which may be set on rights-of-way of railroad companies by their duly authorized employees.

(d) Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor. In addition to any penalty imposed for such violation, if a forest fire results from the violation, such person shall be liable to the County for the full amount of all expenses incurred by it in suppressing such fire, such amount to be recoverable by action brought by the Board of Supervisors on behalf of the County.

(Ord. of 4-9-1996)

Editor's note—The amendment of 4-9-1996 amended subsection (b) to add the words "or field containing dry grass or other inflammable material" so as to parallel the state code.

Cross reference—Penalty for Class 4 misdemeanor, § 1-10.

State law reference—Similar provisions, Code of Virginia, § 10.1-1142.

Sec. 9-2. Licensing of fortune tellers, clairvoyants, etc.

(a) Any person who, for compensation, shall pretend to tell fortunes, assume to act as a clairvoyant or to practice palmistry or phrenology in the County shall pay to the County an annual license tax in such amount as is prescribed, from time to time, by the Board of Supervisors. Upon payment of such tax, the Commissioner of the Revenue shall issue to such person a license, which shall be valid for the calendar year. It shall be unlawful for any person to engage in any such practice or activity, unless he has a license issued from the then-current calendar year.

(b) Any person who violates this section shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each such offense.

(Ord. of 1-6-1953)

State law reference—Authority for above section, Code of Virginia § 58.1-3726.

Sec. 9-3. Junior fire fighters.

(a) Any person sixteen (16) years of age or older, with parental or guardian approval, may work with or participate fully in all activities of a volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, Level One, Fire Fighter Standards, as administered by the Department of Fire Programs of the Commonwealth of Virginia.

(b) Any trainer or instructor of such persons mentioned in subsection (a) of this section or any member of a paid or volunteer fire company who supervises any such person when engaged in activities of a volunteer fire company shall be exempt from the provisions of § 40.1-103 of the 1950 Code of Virginia, as amended.

(Ord. of 10-5-1982; Ord. of 11-6-1996)

Cross reference—Fire department and rescue squad designated as part of County's official safety program, § 2-1.

Sec. 9-4. Dumping trash, etc., on highway, right-of-way, or private property.

(a) Any person shall be guilty of a misdemeanor who shall dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter, on a public highway, right-of-way, or on private property without the written consent of the owner thereof or his agent.

(b) When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of § 46.2-936 of the 1950 Code of Virginia, as amended, in making such arrest.

(c) When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter, or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

(d) Any person convicted of such violation shall be guilty of a Class 1 misdemeanor.
(Ord. of 11-7-1984)

Sec. 9-5. Law enforcement officers and deputy sheriffs may engage in off-duty employment.

Law enforcement officers and deputy sheriffs may engage in off-duty employment which may occasionally require the use of their police powers in the performance of such employment; provided, however, that the Sheriff of Culpeper County may, from time to time, promulgate such rules and regulations as he may deem reasonable and necessary, and the compensation for such employment shall be set from time to time by the Board of Supervisors.
(Ord. of 7-1-1986)

Sec. 9-6. Violations of County of Culpeper Purchasing Resolution.

(a) Application. All public bodies in Culpeper County, as defined herein, that are funded in whole or in part by Culpeper County, are required to comply with the provisions of the Culpeper County Purchasing Resolution, as adopted May 7, 1996, and amended November 5, 1997, and September 5, 2000.

(b) Definitions.

County. The Board of Supervisors of Culpeper County, Virginia, or, where appropriate, the governing board or chief constitutional officer of any other public body subjected to the requirements of this Resolution.

Goods. All material, equipment, supplies, printing and automated data processing hardware and software.

Public body. Any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board, or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in the Purchasing Resolution, including, unless exempted in the Culpeper County Purchasing Resolution, the Board of Supervisors, all departments, agencies, boards, commissions, committees, officers and employees of the County of Culpeper, Virginia.

Services. Any work performed by an independent contractor, except for construction, which does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

(c) Certification of sufficient funds. Except in emergency, no order for delivery on a contract or open market order for supplies or contractual services for any County department or agency shall be awarded until the chief financial officer for the County has certified that the unencumbered balance in the appropriation concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order.

(d) Orders and contracts in violation of Purchasing Resolution. If any public body as described in subsections (a) and (b) hereof purchases or contracts for any goods or contractual services contrary to the provisions of the County of Culpeper Purchasing Resolution, as adopted May 7, 1996, and from time to time amended, or any rules and regulations made thereunder, such order or contract shall be void and the head of such department or agency shall be personally liable for the costs of such order or contract.

(e) Violation of subsections (c) and (d) a misdemeanor. Any willful violation of subsection (c) or (d) of this section shall constitute a Class 1 misdemeanor.
(Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added this section 9-6 to this chapter.

Sec. 9-7. Disposal of unclaimed property.

(a) Any unclaimed personal property which has been in the possession of the sheriff's department of the County and unclaimed for more than sixty (60) days may be disposed of (i) by public sale in accordance with the provisions of Virginia Code § 15.2-1719, or (ii) retained for use by the sheriff's department.

(b) As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 *et. seq.*).

(c) Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720 of the Virginia Code and section 9-8 of this Code. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721 of the Virginia Code and section 9-9 of this Code.

(d) Prior to the sale or retention for use by the sheriff's department of any unclaimed item, the Sheriff or his duly authorized agent shall make reasonable attempts to notify the rightful owner of the property, obtain from the Commonwealth's Attorney in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two (2) successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the sheriff's department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agent shall pay from the proceeds of the sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership.

(e) Any unclaimed item retained for use by the sheriff's department shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the sheriff's department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

(f) If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the sheriff's department. Any such owner shall be entitled to apply to the County within three (3) years of the date of the sale, and if timely application is made therefor and satisfactory ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.
(Ord. of 2-6-2001(2))

Sec. 9-8. Disposition of unclaimed bicycles and mopeds.

Any bicycle or moped which has been in the possession of the sheriff's department for more than thirty (30) days, unclaimed, may be disposed

of by public sale as described in subsection 9-7(d) of this Code or donated to a charitable organization, at the discretion of the Sheriff. Additionally, any bicycle or moped found and delivered to the sheriff's department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the County.
(Ord. of 2-6-2001(2))

Sec. 9-9. Disposal of unclaimed firearms or other weapons in the possession of the Sheriff.

The sheriff's department may destroy unclaimed firearms or other weapons which have been in its possession for a period of more than sixty (60) days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Virginia Code § 55-210.1 *et. seq.*). At the discretion of the Sheriff or his duly authorized agent, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the Sheriff or his duly authorized agent shall comply with the notice provision contained in § 15.2-1719 of the Virginia Code and subsection 9-7(d) of this Code.
(Ord. of 2-6-2001(2))

Sec. 9-10. Halloween trick or treat visitations.

(a) *Limitations.* It shall be unlawful for any person over the age of twelve (12) years to appear on the streets or highways or at any public homes, private homes, or public places in the County on Halloween for trick or treat visitations.

(b) *Curfew.* A special curfew hour of 9:00 p.m. on Halloween is hereby established for trick or treat visitations.

(c) *Penalty.* A violation of this section shall be punishable as a class 4 misdemeanor.
(Ord. of 10-1-2002)

Secs. 9-11—9-15. Reserved.

ARTICLE II. REGULATION OF SMOKING IN COUNTY OWNED AND LEASED BUILDINGS*

Sec. 9-16. Areas where smoking is prohibited in County owned or leased buildings.

Subject to the authority of the judges to control use of the Courthouse during the terms of their courts, smoking of any tobacco product is prohibited in the following places owned or leased by the Culpeper County Board of Supervisors:

(a) All elevators,

(b) All polling rooms,

(c) All indoor service lines and cashier lines, including, but not limited to:

1. Those portions of the Circuit Court Clerk's office which are entered by the general public in the normal course of business.
2. Those portions of the Commissioner of the Revenue's office which are entered by the general public in the normal course of business.
3. Those portions of the Treasurer's office which are entered by the general public in the normal course of business.
4. Those portions of the department of planning and development and building inspections offices which are entered by the general public in the normal course of business.

***State code reference—**Virginia Indoor Clean Air Act, §§ 15.2-2800 et. seq.; Purchase, sale, etc. of real property, § 15.2-1800.

5. Those portions of the Combined District and Juvenile Court Clerk's office and waiting area entered by the general public in the normal course of business.
6. Those portions of the Juvenile Probation office entered by the general public in the normal course of business.
7. Those portions of the Land Use office entered by the general public in the normal course of business.
8. Those portions of the Victim Witness Program office entered by the general public in the normal course of business.

(d) All hallways on all floors of the Culpeper County Courthouse.

(e) The following public meeting rooms:

1. All Courtrooms.
2. The Board of Supervisors public meeting room.

(f) The following public places:

1. The Public Law Library.
2. All hallways, stairwells and entrance areas of all County owned or leased buildings.

(g) All other areas of County owned or leased buildings which are entered by the general public in the normal course of business.

(Ord. of 8-2-1994, § 1)

Sec. 9-17. Areas where smoking may be permitted in County owned or leased buildings.

Smoking shall be permitted in private work spaces not entered by the general public in the normal course of business unless the entire building is declared non-smoking by a majority vote of all affected employees voting; an employee vote in each building shall be conducted by the County Administrator within thirty (30) days of the effective date of this article.

If a majority of the employees who vote on the smoking issue in any one (1) building elect for that building in which they work to be a smoke-free building, the County Administrator may designate one (1) room within the building as a designated smoking area or lounge. The designated smoking area or lounge shall be separate to the extent reasonably practicable from the non-smoking areas, shall be ventilated, shall use existing physical barriers to minimize the permeation of smoke into non-smoking areas without requiring physical modifications or alterations to the structure, and shall otherwise comply with the requirements of Virginia Code § 15.2-2802.
(Ord. of 8-2-1994, § 2)

Sec. 9-18. Posting of signs.

Within thirty (30) days of the effective date of this article, the County Administrator shall post signs in conspicuous places to public view stating "Smoking Permitted" or "No Smoking" within the respective areas or buildings above described.
(Ord. of 8-2-1994, § 3)

Sec. 9-19. Penalty for violating ordinance.

No person shall smoke in an area designated as non-smoking and any person who continues to smoke in a no-smoking area after being asked to refrain from doing so shall be subject to a civil penalty of not more than twenty-five dollars ($25.00).
(Ord. of 8-2-1994, § 4)

Sec. 9-20. Applicability.

This Ordinance shall apply only to buildings owned or leased by Culpeper County, including buildings leased on a temporary basis, such as polling places.
(Ord. of 8-2-1994, § 5)

Sec. 9-21. Effective date.

This article shall be in effect as of August 2, 1994.
(Ord. of 8-2-1994, § 6)

Secs. 9-22—9-31. Reserved.

ARTICLE III. REGULATION OF OPEN FIRES

Sec. 9-32. Title.

This article shall be known as the Culpeper County Ordinance for the Regulation of Open Fires.

Sec. 9-33. Purpose.

The purpose of this article is to protect public health, safety, and welfare by regulating the making and supervision of open fires within Culpeper County. This article is intended to supplement other applicable laws and regulations of the Commonwealth of Virginia, and is not intended to limit the application of any other law or regulation within the County of Culpeper.

Sec. 9-34. Definitions.

For the purpose of this article and subsequent amendments or any orders issued by Culpeper County, the words or phrases shall have the meaning given them in this section.

Garbage means rotting animal and vegetable matter accumulated by a household in the course of ordinary day to day living.

Household refuse means waste material and trash (except garbage, animal carcasses or animal waste) normally accumulated by a household in the course of ordinary day to day living, and, for the purposes of this article, is limited to household refuse from the premises on which the open fire is to be made.

Yard waste means leaves and tree, yard and garden trimmings from growth on the premises on which the open fire is to be made or growth on the premises immediately adjacent thereto.

Open fire means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.

Sec. 9-35. Prohibitions on open fires.

(a) No owner or other person shall cause or permit the making of an open fire on any street, alley or other public place.

(b) No owner or other person shall cause or permit the making of an open fire on any parcel of land on which is located an occupied dwelling, or which is immediately adjacent to any property on which is located an occupied dwelling, in which is burned any material that is not household refuse or yard waste.

(c) No owner or other person shall cause or permit the making of an open fire that is within fifty (50) feet of any occupied dwelling.

(d) No owner or other person shall cause or permit the making of an open fire that is within two hundred (200) feet of any occupied dwelling without the permission of the occupants of the dwelling.

(e) No owner or other person shall cause or permit the burning of an open fire unless the fire shall at all times be attended by a responsible adult, and unless adequate provisions have been made in advance of the burning for preventing the unintentional or accidental spreading of the fire to any structure or any other parcel of land.

(f) No owner or other person shall cause or permit the burning of an open fire within one hundred (100) feet of a property boundary without the permission of the adjacent property owner.

Sec. 9-36. Exemptions.

The following open fires are exempted from the prohibitions of section 9-35 to the extent permitted by other applicable State laws or regulations:

(a) Open fires for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house fire fighting personnel;

(b) Open fires for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;

(c) Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack; and

(d) Open burning for forest management and agriculture practices as approved by the appropriate State regulatory agency.

Sec. 9-37. Declaration of local open fire emergencies.

The Director of Emergency Services may, in consultation with the County Administrator and the Coordinator of Emergency Services, if the forest lands, brush lands, and fields within the County have become so dry as to create a fire hazard endangering lives and property in the County, declare an emergency and require that no person make or permit any open fire until such time as the Director of Emergency Services proclaims that the fire hazard emergency has been terminated.
(Ord. of 2-6-2001(3))

Sec. 9-38. Penalties for violation.

(a) Any violation of this ordinance is punishable as a Class 1 misdemeanor.

(b) Each separate incident may be considered a new violation.

(c) Notwithstanding the foregoing, no person shall be convicted of a violation of this article unless there shall have been before the court competent evidence that the sheriff or other enforcement official had, prior to the commencement of any proceeding hereunder, notified such person of the provisions of this article, and given such person an opportunity to cease and desist any action in violation hereof.

Secs. 9-39—9-48. Reserved.
(Ord. of 12-7-1999)

ARTICLE IV. ETHICS IN PUBLIC CONTRACTING

Sec. 9-49. Purpose.

The provisions of this article supplement, but do not supersede, other provisions of law including, but not limited to, the State and Local Government Conflict of Interests Act (§§ 2.1-639.1 et seq.), the Virginia Governmental Frauds Act (§§ 18.2-498.1 et seq.), and Articles 2 (§§ 18.2-438 et seq.) and 3 (§§ 18.2-446 et seq.) of Chapter 10 of Title 18.2 of the Code of Virginia as amended. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of any of these or other laws.

Sec. 9-50. Definitions.

The words defined in this section shall have the meanings set forth below throughout this article.

Immediate family shall mean a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

Official responsibility shall mean administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom.

Personal interest in a contract shall mean a personal interest as defined in the State and Local Government Conflict of Interests Act.

Procurement transaction shall mean all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Public employee shall mean any person employed by a public body, as defined in section 9-6(a) & (b) of this chapter, including elected officials or appointed members of governing bodies.

Sec. 9-51. Proscribed participation by public employees in procurement transactions.

Except as may be specifically allowed by subdivisions A2 and A3 of § 2.1-639.11 of the Code of Virginia, no public employee having official re-

sponsibility for a procurement transaction shall participate in that transaction on behalf of the public body when the employee knows that:

(1) The employee is contemporaneously employed by a bidder, offeror, or contractor involved in the procurement transaction; or

(2) The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent (5%); or

(3) The employee, the employee's partner, or any member of the employee's immediate family has a personal interest in a contract transaction; or

(4) The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

Sec. 9-52. Solicitation or acceptance of gifts.

No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The County may recover the value of anything conveyed in violation of this section.

Sec. 9-53. Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one (1) year from the cessation of employment by the County unless the employee or former employee, provides written notification to the County Administrator prior to commencement of employment by that bidder, offeror or contractor.

Sec. 9-54. Gifts by bidders, offerors, contractors or subcontractors.

No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

Sec. 9-55. Kickbacks.

No contractor or subcontractor shall demand or receive from any of his suppliers or subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

No subcontractor or supplier shall make, or offer to make, kickbacks as described in this section.

No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a public contract.

If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the County and will be recoverable from both the maker and recipient. Recovery from one (1) offending party shall not preclude recovery from other offending parties.

Sec. 9-56. Purchase of building materials, etc., from Architect or engineer prohibited.

(1) No building materials, supplies or equipment for any building or structure constructed by or for the County shall be sold by or purchased

from any person employed as an independent contractor by the County to furnish architectural or engineering services, but not construction for such building or structure; or from any partnership, association, or corporation in which such architect or engineer has a personal interest as defined in Virginia Code §2.1-639.2.

(2) No building materials, supplies or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the County to furnish architectural or engineering services in which such person has a personal interest as defined in Virginia Code §2.1-639.2.

(3) The provisions of subsections (1) and (2) shall not apply in case of an emergency.

Sec. 9-57. Participation in bid preparation, limitation on submitting bid for same procurement.

No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the County shall (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the County will permit such person to submit a bid or proposal for that procurement or any portion thereof if the Purchasing Agent determines that the exclusion of such person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the County.

Sec. 9-58. Misrepresentations prohibited.

No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

Sec. 9-59. Penalty for violation.

Willful violation of any provision of this article shall constitute a Class 1 misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

(Ord. of 10-3-2000)

Editor's note—The amendment of 10-3-2000 added this Article 4 to this chapter.

Chapter 10

MOTOR VEHICLES AND TRAFFIC*

Article I. In General

Article II. Vehicle License

Article III. License Tax on Junked Motor Vehicles

Article IIIA. Abandoned Vehicles

Article IV. Parking on County Property

***Cross references—**Traffic-control plans required for outdoor musical and entertainment festivals, § 3-25(9) and (10); automobile graveyards, Ch. 5; maintenance of vehicles for refuse collection or transportation, § 11-6; motor vehicles not to be deposited at County landfill or refuse transfer sites, § 11-21; covering of loads being transported to landfill or refuse transfer site, § 11-26; taxicabs, Ch. 13; carrying loaded shotgun or title in vehicle, § 15-2, Zoning Ordinance, App. A.

State law reference—General authority of County to regulate traffic, Code of Virginia, §§ 46.2-1300 through 46.2-1313.

Article V. Parking Spaces Reserved for Handicapped Persons

ARTICLE I. IN GENERAL

Sec. 10-1. Adoption of state motor vehicle code and provisions as to operation of vehicle while under influence of alcohol or drugs.

Pursuant to the provisions of § 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia and all of the provisions of Article 2 of Chapter 7 of Title 18.2 (§§ 18.2-266 through 18.2-273) of the Code of Virginia, as in force and effect on July 1, 2001, except those provisions and requirements which, by their very nature, can have no application within the County, are hereby adopted and made a part of this chapter, as fully as though set out at length herein, and are hereby made applicable with the County. References therein to "highways of the state" shall be deemed to refer to streets, highways, roads, alleys, and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, in its entirety, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful and punishable as therein provided for any person within the County to violate, fail, neglect or refuse to comply with, any provision of the Code of Virginia which is adopted by this section; provided, however, that no violation of this section shall be punishable by confinement in jail.

(Ords. of 7-2-1996; 7-1-1997; 5-5-1998; 6-1-1999; 6-6-2000; 10-2-2001)

Editor's note—Amendment of 7-1-1997 amended Sec. 10-1 so as to reflect current state code provisions. Amendment of 5-5-1998 changed "July 1, 1997" to "July 1, 1998". Amendment of 6-1-1999 changed "July 1, 1998 to "July 1, 1999". Amendment of 6-6-2000 deleted date references.

State law reference—Authority for this section, Code of Virginia, § 46.2-1313.

Secs. 10-2—10-20. Reserved.

ARTICLE II. VEHICLE LICENSE

Sec. 10-21. Tax levied.

By and under the authority of § 46.2-752 of the Code of Virginia, 1950, as may be amended from time to time, and with the restrictions of that section, the County hereby levies an annual license tax on every motor vehicle, as defined in § 46.2-100 of the Code of Virginia, 1950, as may be amended from time to time, owned by a person who is a resident of the County or who does business therein for at least ninety (90) days, which vehicle is operated or intended to be operated upon the streets or highways of the County, for pleasure or for the regular conduct of business. Such tax shall be in such amount as is prescribed, from time to time, by the Board of Supervisors.

Vehicles owned by volunteer rescue squads and volunteer fire departments, vehicles owned by active members of volunteer fire departments and rescue squads, and vehicles owned by auxiliary police officers shall be exempt from this license tax. Provided, however, the exemption for active volunteer firemen, rescue squad members and auxiliary police officers shall be limited to one (1) vehicle per individual member.

Vehicles owned by surviving spouses of certain disabled veterans qualified to receive special license plates pursuant to § 46.2-739 of the Code of Virginia, as may be amended from time to time, shall also be exempt from this license tax.

(Ords. of 8-4-1959, §§ 1-1, 1-4; 3-5-1974, § 2; 3-7-1995; 9-5-1995)

Editor's note—The amendment of 3-7-1995 corrected the applicable state code sections and added the last paragraph of section 10-21 so as to exempt vehicles owned by volunteer fire departments, rescue companies, active members thereof and auxiliary police officers from license taxes in Culpeper County.

Sec. 10-22. License year.

The motor vehicle year shall be from April 15 through the following April 14.

(Ord. of 8-4-1959, § 1-2)

Sec. 10-23. Application; payment of tax and receipt therefor.

(a) On or before the commencement date of each motor vehicle license year, the owner of any vehicle subject to the tax imposed by this article shall apply to the Treasurer of the County for registration and licensing of such vehicle and shall pay such tax to the Treasurer.

(b) The Treasurer shall issue, for each motor vehicle registration and licensing, four (4) copies of a receipt for the tax paid to him by the applicant. Such copies shall be disposed of by the Treasurer as follows:

(1) One shall be filed in his office.

(2) One shall be given to the applicant.

(3) One shall be forwarded to the sheriff.

(4) One shall be forwarded to the Commissioner of the Revenue.

(Ords. of 8-4-1959, §§ 1-3, 1-4; 3-5-1974, § 2)

Sec. 10-24. Proration of tax.

In the event that any person becomes subject to the tax imposed by this article after beginning of any license year, such tax shall be prorated quarterly, based on a twelve-month license year, beginning April 15 of each year.
(Ord. of 8-4-1959, § 1-6)

Sec. 10-25. Account and disposition of taxes.

The Treasurer shall keep an account of all taxes paid to him under this article and shall deposit such taxes in the general fund of the County.
(Ords. of 8-4-1959, § 1-4; 3-5-1974, § 2)

Sec. 10-26. Payment of personal property taxes as prerequisite to licensing.

No motor vehicle shall be licensed under this article unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon such motor vehicle have been paid and satisfactory evidence that any delinquent motor vehicle personal property taxes, which have been properly assessed or are assessable against the applicant by the County, have been paid.
(Ord. of 8-4-1959, § 1-8)

State law reference—Authority for above section, Code of Virginia, § 46.2-752(C).

Sec. 10-27. Issuance of decal.

Upon payment of the required license tax and compliance with section 10-26, each applicant for a license under this article shall be provided by the Treasurer with a license decal for each vehicle registered and licensed.
(Ords. of 8-4-1959, § 1-5; 11-6-1974)

Sec. 10-28. Display of decal generally.

(a) No motor vehicle classified under the provisions of section 10-21 shall be operated upon the streets or highways of the County unless there is displayed thereon, in the manner herein prescribed, a current license decal issued pursuant to section 10-27. Such decal shall be displayed in the lower right-hand corner of the front windshield, securely affixed to the inside surface, next to the state inspection sticker, visible and legible to the general public. If it is not practicable to attach the decal to the windshield, it shall be attached at some other place near the front of the vehicle, adjacent to the state inspection sticker, so as to be visible and legible to the general public.

(b) A violation of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars ($100.00).
(Ords. of 8-4-1959, §§ 2-1, 2-2, 2-4; 11-6-1974)

Sec. 10-29. Display of expired decal.

It shall be unlawful for the owner of any motor vehicle to display upon such vehicle a County license decal after the expiration date of such decal. A violation of this section shall be punishable by a fine of not exceeding twenty dollars ($20.00).

State law reference—Authority for above section, Code of Virginia, § 46.2-752(E).

Secs. 10-30—10-39. Reserved.

ARTICLE III. LICENSE TAX ON JUNKED MOTOR VEHICLES

Sec. 10-40. Imposed; amount.

(a) On all owners of motor vehicles which do not display current license plates and which are not exempted from the requirements of displaying such license plates under the provisions of §§ 46.2-662 through 46.2-684 of the Code of Virginia,

there is hereby imposed an annual license tax in such amount as prescribed, from time to time, by the Board of Supervisors.

(b) It is the intent of this article that the owner of any vehicle subject to this article shall pay a license tax for each such vehicle under his ownership in the County at any given time during any calendar year.
(Ords. of 9-4-1981, §§ 1-6; 12-7-1982, § 1; Ord. of 10-8-1996)

State law reference—Authority for above tax, Code of Virginia, § 15.2-974.

Sec. 10-41. Exemptions.

The tax imposed by this article shall not apply to:

(1) Owners of motor vehicles in a public dump, in an "automobile graveyard," as defined in § 33.1-348 of the Code of Virginia, or in the possession of a licensed junk dealer or a licensed motor vehicle dealer;

(2) Owners of motor vehicles stored on private property for a period not in excess of ninety (90) days for the purpose of removing parts for the repair of another motor vehicle;

(3) Any motor vehicle being held or stored by or at the direction of any governmental authority;

(4) Any motor vehicle owned by a member of the armed forces on active duty;

(5) Any motor vehicle regularly stored within a structure.

(Ords. of 8-4-1981, 12-7-1982, § 2)

Cross reference—Automobile graveyards, Ch. 5.

State law reference—Similar provisions, Code of Virginia, §15.2-974.

Sec. 10-42. When due and payable.

The license tax imposed by this article shall be due and payable on or before April 15 of each year for the succeeding tax year, April 15 of each year for the succeeding tax year, April 16 through the next April 15, and shall be delinquent if not paid by the due date. Such tax for the tax year in which the owner first becomes liable for the tax on any motor vehicle shall be due and payable within thirty (30) days after the owner becomes subject to the tax and shall be delinquent if not paid within that period.
(Ords. of 8-4-1981, § 2; 12-7-1982, § 3)

Sec. 10-43. Proration.

In the event an owner first becomes subject to the tax imposed by this article between April 16 and July 15 of any year, the full amount of such tax shall be paid for that tax year. In the event an owner first becomes subject to such tax after July 15 of any year, the tax shall be prorated, for that tax year, as follows:

(1) If between July 16 and October 15, the tax shall be seventy-five percent (75%) of the annual tax.

(2) If between October 16 and January 15, the tax shall be fifty percent (50%) of the annual tax.

(3) If between January 16 and April 15, the tax shall be twenty-five percent (25%) of the annual tax.

(Ord. of 8-4-1981; § 2)

Sec. 10-44. Reserved.

Editor's note—Former § 10-44, pertaining to a penalty upon delinquent payments of the tax set out in this article, and derived from § 5 of an ordinance of August 4, 1982, was repealed by § 4 of an ordinance of December 7, 1982.

Sec. 10-45. Collection; issuance of tax card.

The license tax imposed by this article shall be collected by the County Treasurer, who shall issue a card indicating receipt of such tax at the time of payment.
(Ord. of 8-4-1981, § 5)

Sec. 10-46. Display of tax card.

The card issued pursuant to section 10-45 shall at all times be displayed by the owner of the motor vehicle subject to the tax on the inside of such motor vehicle in such a manner that it will be plainly visible from the exterior of the motor vehicle through the windows.
(Ord. of 8-4-1981, § 7; 12-7-1982, § 5)

Sec. 10-47. Transfer of tax card.

The card issued pursuant to section 10-45 shall be transferable from one (1) vehicle to another during any one (1) calendar year.
(Ord. of 8-4-1981, § 6)

Sec. 10-48. Penalty for violation of article.

A violation of any provision of this article shall be punishable by a fine of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00).
(Ord. of 8-4-1981, § 8)

Sec. 10-49. Notification of tax.

The Treasurer of Culpeper County, Virginia, shall notify all owners of licensed motor vehicles of the license tax on motor vehicles imposed by this article, by attaching a written notice to each Culpeper County motor vehicle license sticker issued by the Treasurer.
(Ord. of 12-7-1982, § 6)

Sec. 10-50. Reserved.

ARTICLE IIIA. ABANDONED VEHICLES

Sec. 10-51. General purpose.

(a) The purpose of this article is to prevent the accumulation of inoperable and/or abandoned motor vehicles or parts thereof in unapproved and inappropriate locations in Culpeper County, inasmuch as the same constitute an unsightly, obnoxious and insanitary condition within said County. The presence of such motor vehicles increases the danger of certain communicable diseases by providing a breeding place for rats, mice, and other known disease carriers and constitutes a condition detrimental to the mental and economic well being of the citizens of said County.

(b) It is therefor deemed imperative, for the preservation of health, safety and the general public welfare requiring it, that adequate regulations concerning abandoned or inoperable motor vehicles be adopted requiring property owners, tenants, occupants or lessees to remove the same from their premises. These regulations shall apply throughout Culpeper County, Virginia.
(Ord. of 12-6-1988, § 10-51)

Sec. 10-52. Definitions.

(a) Except where the construction of this article clearly indicates otherwise, words used in the present tense include the future; words in the singular include the plural, and the plural includes the singular; the word "shall" is mandatory.

(b) For the purpose of this article, certain words and terms are defined as follows:

Abandoned or inoperable automobiles are any motor vehicles having any major component missing, such as engine, transmission, wheels, steering mechanism or others, which are necessary for the safe and normal operation of such vehicle and which is exposed to the weather and unlicensed by the Virginia Division of Motor Vehicles at the time of any violation of this article.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind, whether that person is the owner, tenant, lessee or occupant of private property.

Private property is any lot or area which is subdivided under one (1) ownership. Any person shall be deemed in violation of this article if such conditions as are hereinafter provided exist on any one (1) lot or area irrespective or whether or not such person owns or controls areas or lots contiguous or adjacent to the lot or area alleged to be in violation to this article.
(Ord. of 12-6-1988, § 10-52)

Sec. 10-53. Storage or accumulation of abandoned automobiles.

Except where permitted by provisions of the Zoning Ordinance for Culpeper County, no person shall permit, place or have, or aid in permitting, placing or having, one (1) or more inoperable or abandoned automobiles upon private property.
(Ord. of 12-6-1988, § 10-53)

Sec. 10-54. Right of entry and enforcement.

The zoning administrator for Culpeper County, Virginia, or his authorized representatives or the Sheriff or any deputy sheriff shall have the right to enter the property without consent of the owner or occupant at any time during daylight

hours and at such other reasonable times as may be necessary to enforce this article; but entry into private residences is prohibited.
(Ord. of 12-6-1988, § 10-54)

Sec. 10-55. Penalty.

Failure to comply with any provisions of this article shall constitute a misdemeanor, and any person, upon conviction of a violation hereof, shall be fined not less than ten dollars ($10.00) nor more than two hundred fifty dollars ($250.00). Each and every week that a violation continues shall be deemed a separate offense.
(Ord. of 12-6-1988, § 10-55)

Secs. 10-56—10-58. Reserved.

ARTICLE IV. PARKING ON COUNTY PROPERTY*

Sec. 10-59. Limitations and restrictions on the use of certain parking spaces near courthouse and in jail parking lot.

(a) The following parking spaces and areas, on property of the County, shall be designated by appropriate signs as follows:

(1) All parking spaces on the south side of Cameron Street on County property shall be limited to a maximum of one-hour parking for any vehicle between the hours of 8:30 a.m. and 4:30 p.m. on Monday through Friday and shall be limited to use for the conduct of County business only.

(2) Reserved.

(3) Five parking spaces in the Blue Ridge Avenue parking lot shall be reserved exclusively for each of the five (5) constitutional officers of the County.

(4) All remaining parking spaces in the Jail parking lot shall be used solely for the conduct of business related to the Courts, the Sheriff's Office and the Jail and shall be designated by the Sheriff.

(5) All parking spaces in the West Street parking lot shall be limited to a maximum of two (2) hours parking for any vehicle between the hours of 8:30 a.m. and 4:30 p.m. on Monday through Friday.

(b) It shall be unlawful for any person to park a vehicle in violation of the restrictions imposed by this section and said signs.
(Ords. of 1-2-1979; 12-6-1983; 2-5-1985; 9-2-1986; 6-2-1987)

Sec. 10-60. Parking within marked lines.

The County Administrator shall designate, by lines marked on the pavement, parking spaces on all areas owned by the County and used for parking. It shall be unlawful for any person to park a vehicle in any such space, unless the vehicle is entirely within such lines.
(Ord. of 1-2-1979)

Sec. 10-61. Penalty for violations of article.

Any person who violates any provision of this article shall be guilty of a traffic infraction punishable by a fine of not more than twenty-five dollars ($25.00); provided, however, that any person receiving a citation pursuant to section 10-62 may satisfy the same by voluntarily paying, at the County Treasurer's office within five (5) days the sum of three dollars ($3.00) for violating any of the provisions of this article for each violation.

Sec. 10-62. Parking citations.

Any person violating this article shall be issued a parking citation on a form to be designed and provided by the County Administrator. Such citation shall provide that uncontested payment of the fines set forth in section 10-61 and indicated on such citation shall be made at the County Treasurer's office within five (5) days; that the contest of any parking citation shall be certified in writing to the General District Court by the

*__State law reference—__Authority of Board of Supervisors to regulate parking on County property, Code of Virginia, § 46.2-1221.

County Treasurer; and that the County Treasurer shall cause a warrant or summons to be issued for any citation not paid within five (5) days.
(Ord. of 1-2-1979)

State law reference—Similar provisions, Code of Virginia, § 46.2-1224.

Sec. 10-63. Notice prerequisite to issuance of warrant or summons for violation of article.

Before any warrant or summons shall issue for the prosecution of a violation of this article, the violator shall have been first notified by mail, at his last known address or at the address shown for such violator on the records of the State Division of Motor Vehicles, that he may pay the fine provided for such violation, within five (5) days of receipt of such notice, and the officer issuing such warrant or summons shall be notified that the violator has failed to pay such fine within such time. The notice required by the provisions of this section shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed on the face thereof in type at least one-half (½) inch in height.

State law reference—Similar provisions, Code of Virginia, § 46.2-941.

Sec. 10-64. Presumption in prosecution for violation of article.

In any prosecution charging a violation of this article, proof that the vehicle described in the parking citation or summons or warrant was parked in violation of this article, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.
(Ord. of 1-2-1979)

State law reference—Similar provisions, Code of Virginia, § 46.2-1220.

Secs. 10-65—10-74. Reserved.

ARTICLE V. PARKING SPACES RESERVED FOR HANDICAPPED PERSONS*

Sec. 10-75. Restrictions on parking spaces reserved for handicapped persons.

No person shall park a vehicle not displaying a license plate, decal or special parking permit, issued under §§ 46.2-731, 46.2-1223 or 46.2-739 of the 1950 Code of Virginia, as amended, in a parking space reserved for the handicapped on public property or at privately owned parking areas.
(Ord. of 8-7-1984)

Sec. 10-76. Penalty for violation of article.

Any person who violates this article shall be guilty of a Class 4 misdemeanor under the 1950 Code of Virginia, as amended, punishable by a fine of not more than one hundred dollars ($100.00).
(Ord. of 8-7-1984)

Sec. 10-77. Presumption in prosecution for violation of article.

In any prosecution charging violation of this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this article, together with proof that the defendant was at the time of such parking, the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.
(Ord. of 8-7-1984)

*__State law reference—__Authority of Board of Supervisors, Code of Virginia, section 46.2-1237.

Chapter 10A

NUISANCES*

Article I. In General

Article II. Noise Control

Article III. Accumulation of Junk, Vehicles, Debris

*__Editor's note—__Chapter 10A (Nuisances) was adopted by Ordinance dated December 2, 1997.

ARTICLE I. IN GENERAL

Sec. 10A-1. Short title.

This chapter shall be known and may be cited as the "Nuisance Ordinance of Culpeper County, Virginia."

Sec. 10A-2. Authorization and declaration of policy.

There is hereby established in the County of Culpeper, Virginia, a nuisance ordinance intended to prohibit unsightly accumulation of junk and debris and abandoned vehicles, unreasonable noise, unsafe conditions, and other such activities which infringe on the health, safety, and welfare of its inhabitants.

Sec. 10A-3. Violations of this chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Sec. 10A-4. Definitions.

A-weighted decibel—The sound level, in decibels, measured with a sound level meter using the A-weighing network or scale as specified by ANSI (Specification for Sound Level Meters). The level so read shall be postscripted dB(A) or dBA.

Abandoned vehicles—Any motor vehicle having any major component missing, such as engine, transmission, wheels, steering mechanism or others which are necessary for the safe and normal operation of such vehicle and which is not in an enclosed building and unlicensed by the Virginia Division of Motor Vehicles at the time of any violation of this article. (See chapter 10, article IIIA, Abandoned vehicles).

ANSI—American National Standards Institute, Inc., New York, New York.

Daytime—The local time of day between the hours of 7:00 a.m. and 10:00 p.m. unless otherwise specified.

Decibel—A unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar: abbreviated dB.

Nighttime—Those times excluded from the definition of daytime.

Noise—Any steady-state or impulsive sound occurring on either a continuous or intermittent basis that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance—Any sound which (a) endangers or injures the safety or health of humans; or (b) annoys or disturbs a reasonable person of normal sensitivities: or (c) endangers or injures personal or real property: or (d) exceeds the applicable maximum permissible sound levels as they appear in the table in section 10A-22.

Sheriff—The Sheriff of Culpeper County or his deputies.

Solid waste—All putrescible and non-putrescible wastes, whether in solid or liquid form, except liquid carried industrial wastes or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, cardboard, ashes, sewage sludge, refuse, trash, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, dead animals or other discarded materials. (See chapter 11, Solid Waste).

Sound level meter—An instrument to measure sound pressure levels that meets or exceeds performance standards for a "Type 2" meter as specified by the ANSI.

Sound pressure level—The intensity in decibels (dB) of a sound.
(Ord. of 4-2-2002)

Sec. 10A-5. Enforcement.

The provisions of this chapter shall be enforced by the Culpeper County Sheriff or his deputies, or by the Culpeper County Zoning Administrator.

Sec. 10A-6. Severability; private nuisance actions preserved.

(a) In the event that any portion of this chapter is declared unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the validity or enforceability of any other portion of this chapter.

(b) Nothing in this chapter is intended to preclude actions to abate or enjoin nuisances. The enforcement of this chapter by public officers shall not be a precondition to the bringing of an action to restrain, abate or enjoin such nuisance.

(c) It shall not be necessary to utilize a sound measurement device to determine the precise decibel level of many sounds which are the subject of this chapter.

Secs. 10A-7—10A-19. Reserved.

ARTICLE II. NOISE CONTROL

Sec. 10A-20. Unnecessary and disturbing noise prohibited.

It shall be unlawful to create or allow to be created any unreasonable loud, disturbing, and unnecessary noise in the County, and noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

Sec. 10A-21. Complaint required for issuance of warrant.

No person shall be convicted of a violation of this article unless there shall have been before the court competent evidence that the sheriff or the zoning administrator had, prior to the commencement of any proceeding hereunder, requested the abatement of the noise complained of, and that such noise continued in an unlawful level after such request.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 replaced "a law enforcement officer" with "the sheriff or the zoning administrator" and "issuance of any warrant" with "commencement of any proceeding hereunder" in this section.

Sec. 10A-22. Maximum permissible sound levels generally.

Except as otherwise provided, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section below is hereby prohibited. Such levels shall be measured at the property boundary of the sound source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one (1) zoning district classification, the limits of the most restrictive classification shall apply.

TABLE I

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS FROM STATIONARY SOURCES

Zoning District Classification	*Maximum dBA*	
	Daytime	*Nighttime*
Agricultural, Rural Area, Residential	75	65
Planned Unit Development	75	65
Commercial	80	70
Light Industrial	85	75

Sec. 10A-23. Prohibitions generally.

The following acts are violations of this chapter:

(a) Repeatedly sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.

(b) Operating a motor vehicle, other than an authorized emergency vehicle or a vehicle moving under special permit, which creates a noise disturbance.

(c) Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors in any residential district within one hundred (100) yards of lawfully occupied dwelling between the

hours of 10:00 p.m. and 7:00 a.m. This section shall not apply to construction of public projects.

(d) Using, operating or causing to be operated mechanical loud speakers or other sound amplification devices on trucks or other moving vehicles or in commercial establishments for the purpose of commercial advertising or attracting the attention of the public during the nighttime. The use of such speakers or devices at all other times shall be subject to the following conditions:

(i) The only sounds permitted are music or human speech.

(ii) Sound shall not be issued or devices shall not be used within one hundred (100) yards of hospitals, schools, churches or courthouses.

(iii) The human speech and music amplified shall not be obscene.

(e) It shall be unlawful for any person to operate, play or permit the operation or playing of any radio, television, phonograph, tape player, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance within any nearby dwelling unit or across a real property boundary.

(f) It shall be unlawful for any person who keeps, owns, possesses or harbors any animal or bird to permit that animal or bird to frequently or habitually howl, bark, meow, squawk, or make other such noise which is plainly audible across property boundaries. For the purposes of this section, such person shall be deemed to have "permitted" an animal to frequently or habitually create excessive noise only if the animal has not been provoked and the person has been put on notice by the County sheriff's office or the zoning administrator, and the noise continues at an unlawful level thereafter. If the person warned thereafter fails to confine such animal inside an enclosed structure or take necessary action to terminate such disturbance, then a summons may be issued.

(g) Using, operating or causing to be operated air cannons, carbide cannons or other loud explosive devices, which are designed to produce high intensity sound percussions for the purpose of repelling birds, in any residential or commercial zoning district.

(h) It shall be unlawful for any person or group of persons to unreasonably make, continue or cause to be made or continued any noise disturbance.

(Ord. of 12-1-1998)

Sec. 10A-24. Exemptions.

The following activities shall be exempt from the noise provisions of this article:

(a) Private animal shelters or kennels which were in existence as of the date of adoption of this article, during the day only.

(b) Sporting events operated and conducted under the auspices of an official organization such as a hunt club, civic organization, or school.

(c) Sport shooting ranges approved prior to the adoption of this article.

(d) Lawful hunting activities.

(e) Agricultural activities, livestock, to the extent protected by the Virginia Right to Farm Act.

(f) Fire and rescue, police sirens.

(g) Any activities in M-2 or HI zoning districts or any other grandfathered industrial uses.

(h) Trash collection.

(i) Heating and cooling units.

(j) Fireworks, music functions, carnivals, or other events which have been approved by the proper authorities.

(k) Highway traffic, and highway or road maintenance and construction.

(l) Trains.

(m) Airports.

(n) Church bells or carillons.

(o) Lawn and gardening activities during the daytime.

An exemption under this section may be raised as a defense to any violation of this article.

Secs. 10A-25—10A-29. Reserved.

ARTICLE III. ACCUMULATION OF JUNK, VEHICLES, DEBRIS

Sec. 10A-30. Prohibitions.

It shall be unlawful for any person to permit, or aid in permitting the outdoor storage or accumulation of solid waste or abandoned vehicles. Legal nonconforming uses and other uses which are otherwise permitted in the Zoning Ordinance shall be exempt from this article.

Sec. 10A-31. Provision for removal.

If deemed necessary by the Board of Supervisors, the County may after thirty (30) days notice, have any prohibited solid waste or abandoned vehicles which might endanger the health of its citizens removed by its own agents or employees. The cost or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the County as provided by law.

Secs. 10A-32—10A-39. Reserved.

Chapter 10B

PARKS AND RECREATION

Article I. In General

Article II. Policy

Article III. Violation/Punishment

ARTICLE I. IN GENERAL.

Sec. 10B-1. Intent of policy.

It is the intention for the Culpeper County Department of Parks and Recreation ("Department") to offer park facilities and other amenities to the public for safe, wholesome, and enjoyable activities. The following policies, rules, and regulations will assist in implementing this intent and in ensuring the benefits to be enjoyed by all.
(Ord. of 9-2-2003(1))

Secs. 10B-2—10B-19. Reserved.

ARTICLE II. POLICY

Sec. 10B-20. Facility/field use agreement.

The signing of the Department's permit form reserves the date of an event as set forth herein. Use of any park, facility, or field by any organization shall comply with federal, state, and County laws and regulations, including pertinent licensing requirements. There shall be no public meetings or assemblies in the parks without a permit. Permits may be requested by those twenty-one (21) years or older. Forms are available by contacting the Department.
(Ord. of 9-2-2003(1))

Sec. 10B-21. Park and facility hours.

Parks are open to the public seven (7) days a week from 7:00 a.m. to 9:00 p.m. during daylight savings time and 7:00 a.m. to 6:00 p.m. during regular daylight hours except when granted permission from the Department director or designee. No person shall be in a park while closed, except authorized personnel or those with special permission.
(Ord. of 9-2-2003(1))

Sec. 10B-22. Damage deposit.

A fifty-dollar ($50.00) refundable damage deposit must accompany your reservation permit. The applicant for a permit assumes all financial responsibility for any damage or loss to the facility and/or fields. All permit holders are expected to leave the building and grounds clean and free of debris. Upon satisfactory inspection of the facility by Department personnel or designee, the deposit will be refunded, in whole or in part, if all requirements of this policy are met.
(Ord. of 9-2-2003(1))

Sec. 10B-23. Payment of fees.

Rental, supervision or custodial fees may be charged. All fees are due upon approval of the park/facility/field use application. All checks shall be made payable to "County of Culpeper".
(Ord. of 9-2-2003(1))

Sec. 10B-24. Liability/responsibility.

(a) With the exception of internal County of Culpeper government departments, each applicant must agree to assume full responsibility for and hold the Department, the County of Culpeper, and its agents, servants, and employees harmless from any legal liability, injury, or damage to the person or property of the applicant or others in connection with the use of County facilities or property.

(b) For active field use, insurance is determined by the nature of activity. When required, applicants shall provide the Department with a certificate of liability in an amount of one million dollars ($1,000,000.00) naming the County of Culpeper as an additional insured to the policy, prior to final approval of the park, facility, or field application.
(Ord. of 9-2-2003(1))

Sec. 10B-25. Priority of usage.

The County of Culpeper will have first priority of use of all County-owned parks, facilities, or fields. Other reservations will be scheduled on a first-come first-serve basis.
(Ord. of 9-2-2003(1))

Sec. 10B-26. Scheduling use.

The Department shall maintain a master schedule of each facility, park, and field and shall not schedule directly conflicting programs. Scheduling will be on a first come first serve basis.
(Ord. of 9-2-2003(1))

Sec. 10B-27. Denial of use.

The County reserves the right to deny use of facilities at any time.
(Ord. of 9-2-2003(1))

Sec. 10B-28. Business activities, soliciting or admission.

The use of facilities by commercial organizations or by private individuals for the sale, advertising, or exhibit of commercial products or activity is prohibited without special permission from the Department. No person shall sell or lease services, wares, merchandise, or goods in the park without a permit. No person shall solicit monetary or other valuable contributions from others in the park. An admission fee for any purpose may not be collected on the premises at any time unless approved by the Department director or designee.
(Ord. of 9-2-2003(1))

Sec. 10B-29. Damages to park, facility, field or equipment.

Damage to County property caused by the applicant or applicant's group is the responsibility of the applicant. Parks, facilities, fields, or equipment will be inspected upon the conclusion of each event. Claims for damage shall be presented to the user by the Department for compensation to the County within five (5) working days. No glass containers are permitted. Tape only must be used to secure table cloths, signs, and decorations.
(Ord. of 9-2-2003(1))

Sec. 10B-30. Litter.

Clean-up of the pavilions before and after use is the responsibility of the person(s) using the facility. Any person(s) using the park who fails to clean-up trash or other debris left by his/her/their use, shall be held liable to the County for all costs incurred over and above the fifty-dollar ($50.00) damage deposit in removing such trash and debris.
(Ord. of 9-2-2003(1))

Sec. 10B-31. Decorations and signage.

Temporary identification signs no larger than two (2) feet by four (4) feet are permitted with permission from the Department. Signs must be removed and deposited in the proper receptacle provided upon the event's conclusion.
(Ord. of 9-2-2003(1))

Sec. 10B-32. Removal of natural surroundings.

Removal of trees, plants, flowers, turf, or any other material at any park is prohibited unless specifically permitted in writing by the Department.
(Ord. of 9-2-2003(1))

Sec. 10B-33. Alcoholic beverages and controlled substances; prohibited.

Culpeper County prohibits the consumption of alcoholic beverages or use of controlled substances in public parks, facilities, or fields.
(Ord. of 9-2-2003(1))

Sec. 10B-34. Guns, knives, bows and arrows, or fireworks; prohibited.

No person shall possess in a designated County park, facility, or field, a slingshot, bow/arrow, or other high-speed projectiles. Possession or discharge of explosive devices other than fireworks in the park, facility, or field is prohibited except for a Department-sponsored activity in designated areas at designated times. Knives or swords with blades of three (3) or more inches in length are prohibited except for food preparation.

Pursuant to Virginia Code Sections 15.2-1209 and 1210, the Board of Supervisors finds that Spilman Park and Galbreath-Marshall field are designated parks and recreational areas subject to the jurisdiction of the County Parks and Recreations Department, are so heavily populated as to make the shooting of firearms and hunting with firearms to be dangerous to persons using such park and recreational area and the inhabitants in and around such area.

No firearms may be discharged in a County designated park or recreational area subject to the jurisdiction of the County Parks and Recre-

ation Department, or within one-half mile of such park or recreation area, except by a law enforcement officer or military personnel in the lawful performance of their duties, or by any other person to lawfully prevent the loss of life or serious bodily injury. Signs to such effect shall be placed at appropriate points on the boundary of such parks and recreational areas.
(Ord. of 9-2-2003(1); Ord. of 11-3-2004(1))

Sec. 10B-35. Fires.

Only charcoal is permitted in park grills and fireplaces. Fire circles may be permitted through written permission of the Department. Open fires are strictly prohibited.
(Ord. of 9-2-2003(1))

Sec. 10B-36. Motorized vehicles.

Parking is permitted in designated areas only. No person shall operate any vehicle in a reckless or negligent manner, or in excess of five (5) miles per hour in a designated area unless otherwise permitted by the Department. No mini bikes, quads, trail bikes, or motorcycles are permitted in the park other than in the parking lot. Washing or repair of vehicles, except in an emergency, is prohibited. Only licensed vehicles with licensed operators are permitted.
(Ord. of 9-2-2003(1))

Secs. 10B-37—10B-49. Reserved.

ARTICLE III. VIOLATION/PUNISHMENT*

Sec. 10B-50. Generally.

Violation of these provisions shall be a Class 1 misdemeanor.
(Ord. of 9-2-2003)

***Note—**The County Parks are: Old A. G. Richardson Field, Old Fredericksburg Road, Spilman Park, Route 621, 3543 Colvin Road, Mountain Bike Trail, Route 638, 14017 Laurel Valley Place, Proposed Culpeper Community Complex, 16555 Greens Corner Road.

Chapter 11

SOLID WASTE*

Article I. General Requirements

Article II. Collection

***Cross references—**Plans for garbage and trash disposal required for outdoor musical or entertainment festivals, § 3-25(4); disposal of dead dogs, § 4-19.

State law reference—Virginia Waste Management Act, Code of Virginia § 10.1-1400 et. seq.

ARTICLE I. GENERAL REQUIREMENTS

Sec. 11-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning ascribed to them by this section:

Collection: The collection or transportation of disposal of solid waste.

Collection Vehicle: Any vehicle used to collect, transport or dispose of solid waste.

Collector: Any person engaged in the collection, transportation or disposal of solid waste from two (2) or more residential, commercial, industrial, institutional, or other establishments.

Compensation: Any type of consideration paid for the collection, transportation or disposal of solid waste, including but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Convenience Center: Any solid waste storage or collection facility at which solid waste is deposited by Culpeper County citizens for transfer to collection vehicles for transportation to a sanitary landfill.

County Administrator: Director of general services will also include his designee if applicable.

Customers: Anyone providing compensation to a collector for collection service.

Disposal Site: Any lawful site used for the disposal of solid waste, including but not limited to, transfer stations, recycling centers, sanitary landfills and convenience sites.

Hazardous Waste: Solid waste, other than household solid waste normally generated by residences in the community, that may, by itself, or in combination with other solid wastes, be infectious, explosive, poisonous, caustic, or toxic, or exhibit any of the characteristics of ignitability, corrositivity, reactivity or toxicity.

Person: Individuals, corporations, associations, firms, partnerships, joint stock companies, counties, cities, towns and any other government entity.

Putrescible Material: Organic materials that can decompose.

Recyclable Material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling: A method involving the collection or treatment of solid waste product for use as a raw material in the manufacture of the same or similar or a totally different usable product.

Recycling Center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Regulations: Regulations promulgated by the County Administrator or his designee pursuant to this chapter.

Sanitary Landfill: An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to public health or environment provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible solid waste.

Solid Waste: All putrescible and non-putrescible wastes, whether in solid or liquid form, except liquid carried industrial wastes or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, cardboard, ashes, sewage sludge, refuse, trash, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, dead animals or other discarded materials.

Transfer Station: Any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to transfer Station vehicles for transportation to another site for permanent disposal.
(Ord. of 9-6-1994, § 11-1)

Sec. 11-2. Administration and enforcement.

(a) The County Administrator shall be responsible for the administration and enforcement of this chapter. The Culpeper County Health Department and the Culpeper County Sheriff's Department shall assist in the enforcement of the chapter in cooperation with the County Administrator. The County Administrator is hereby authorized to promulgate administrative rules and regulations which will carry out the intent of this chapter including, but not limited to, rules and regulations pertaining to the right to enter and inspect the collection vehicles of any collector and of any disposal site; the right to require reasonable conditions in the application for a solid waste permit; the right to prohibit disposal of certain unacceptable solid waste at any of the convenience centers or the County landfill and the right to adopt reasonable application forms and permit forms, provided that nothing herein contained shall in any way affect the authority of the Culpeper County Health Department, Culpeper County Sheriff's Department as otherwise provided by the Code of the County of Culpeper.

(b) The Board of Supervisors, by resolution, shall set fees to be assessed for the disposal of solid waste at all Culpeper County owned, operated or associated disposal sites. The Board may change, at any time by resolution, the rate at which fees are assessed for the disposal of solid waste at Culpeper County owned, operated or associated disposal sites.
(Ord. of 9-6-1994, § 11-2)

Sec. 11-3. Permit required.

(a) No person shall engage in the business of collecting, transporting, and/or disposing of solid waste in Culpeper County without first obtaining a permit thereof from the County Administrator, provided that this provision shall not be deemed to apply to any employee on County business or holder of such permit nor prohibit any individual residing in Culpeper County from collecting, processing or disposing of their own household solid waste. A current County or Town of Culpeper vehicle sticker or a temporary vehicle pass issued by the County Administrator shall be sufficient evidence that the individual is a resident of Culpeper County.

(b) No such permit shall be issued until and unless the applicant therefor, in addition to satisfying all other requirements of this chapter shall provide to the County Administrator proof of current liability insurance policy covering all operations of conduct thereof, in at least the amount required by the Commonwealth of Virginia. The collector shall provide notification to the County Administrator on any new or replacement policy not less than ten (10) days prior to the effective cancellation date of the current policy.
(Ord. of 9-6-1994, § 11-3)

Sec. 11-4. Permit issuance.

The County Administrator or his designee shall issue a permit upon receipt of a complete application and upon finding that the applicant has complied with all applicable sections of this chapter, the Culpeper County Code, and the Code of Virginia.

(a) Prior to the issuance of a permit, the applicant shall provide the County Administrator or his designee an application which shall contain at least the following information and documents to insure that the individual or company is competent to satisfactorily and lawfully perform the proposed service. The applicant shall include:

(1) Name of business;

(2) Type of business (single propriety, partnership, corporation, etc.);

(3) Name of parent company (if applicable);

(4) Owner or principal official (authorized representative);

(5) Business address;

(6) Mailing address;

(7) Business telephone;

(8) Business office staffed during normal business hours;

(9) Name, address and policy number of liability insurance company;

(10) Name and telephone number of another collector permitted with the director of General Services which

will act in backup capacity if collector has only one (1) permitted collection vehicle;

(11) A certification by the applicant that at all times the operation of the business will be in conformance with all applicable statutes, ordinances and court orders as a condition to the issuance and contained validity of the permit;

(b) A permit shall be issued or denied by the County Administrator or his designee within fifteen (15) days of the receipt of a complete application and required documents.

(c) The applicant shall pay the permit fee prior to issuance of the permit. The County Administrator shall assign and provide to all approved collection vehicles a permit number which shall be permanently affixed to the drivers side of the cab or at the farthest point forward on the truck body.

(d) In the event that any collection vehicle is discontinued from service, or sold, the permit for that vehicle shall be returned to the County Administrator. In the event that the permit is not recoverable, the permit holder shall notify the County Administrator of the permit number of the collection vehicle prior to its discontinuance from service or sale. No new permit shall be issued by the County Administrator for any new or subsequent vehicle until the terms of this subdivision has been complied with.

(e) A temporary permit may be approved by the County Administrator for any additional collection vehicle used by a collector already operating under an approved permit. The temporary permit shall authorize the collector to utilize a new, borrowed, rented or demonstrator collection vehicle not currently permitted in the County of Culpeper. The temporary permit shall be valid for a period of ten (10) days from the date of issuance. After the expiration date of the temporary permit, the collector may use the collection vehicle only if it is in compliance with the provisions of section 11-3 of the Culpeper County Code.

(f) Any collector collecting solid waste without a permit may in addition to any other penalty contained in this chapter or code be denied a permit for a period of one (1) year from the time of the offense.

(Ord. of 9-6-1994, § 11-4)

Sec. 11-5. Permit renewal.

All permits shall expire on the 30th of June. Permits shall be renewed between May 1st and June 30th of each year.

(Ord. of 9-6-1994, § 11-5)

Sec. 11-6. Permit denial, suspension or revocation.

(a) If in the opinion of the County Administrator a collector violates or refuses to comply with this or any provisions of this chapter or any regulation promulgated hereunder, the Culpeper County Code, the Culpeper County Zoning Ordinance or any court relating thereto, the permit of said collector may be denied, suspended or revoked by the County Administrator.

(b) In addition to paragraph (a) above, grounds for permit denial, suspension or revocation may include, but shall not be limited to, repeated substantiated, unsatisfactory delivery of customer service, failure to pay solid waste disposal fees, unsatisfactory maintenance or cleanliness of collection vehicles, failure to comply with section 11-27 of the Culpeper County Code, use of their Culpeper County permit for the disposal of solid, waste originating outside of the County of Culpeper at the landfill or any of the convenience/transfer sites operated by the County, failure to abide by the reasonable conditions or regulation of the County Administrator or failure to abide by and update the permit application.

(c) Further, it shall be unlawful and grounds for permit denial, suspension or revocation for any person to willfully misuse a collection vehicle and/or permit. Misuse includes, but is not limited

to, any switching of permits between collection vehicles or by any unlicensed collection and any use of a discontinued permit.

(d) It shall be unlawful, and grounds for permit denial, suspension or revocation for any company which is delinquent in its payment of the disposal bill to Culpeper County to use the collection vehicle and/or permit of another company to gain access to the landfill or any transfer station. It shall be unlawful for any company to allow another company to use its collection vehicle and/or permit in the aforementioned manner.

(e) In the event the County Administrator elects to consider suspending or revoking an issued permit except instances involving the nonpayment of solid waste disposal fees, the permit holder will be notified by certified mall that said permit is under review. The permit holder will have forty-eight (48) hours after receipt of notification to correct any deficiencies and to notify the County Administrator of the corrective action taken. If satisfactory corrective action is not taken within forty-eight (48) hours, the permit may be suspended or revoked by the County Administrator or his designee, provided, however, this shall not be construed so as to limit, delay or prohibit the authority of Culpeper County from immediately suspending without notice any permit for failure to pay solid waste disposal fees.

(f) Any revocation, suspension or denial other than those related to the nonpayment of solid waste disposal fees, shall be in writing and may be appealed to the Board of Supervisors or its designee within ten (10) days of the date of revocation, suspension or denial. Any appeal shall be in writing and filed with the Board of Supervisors chairman. Thereafter, the Board or its designee, shall promptly schedule a hearing at which the applicant and all interested parties, which may include, but is not limited to, the County Administrator, the zoning administrator, and the health officer of Culpeper County, Virginia, may present testimony or evidence. Any interested party or the applicant may be represented by counsel at the hearing.
(Ord. of 9-6-1994, § 11-6)

Sec. 11-7. Maintenance of business office and telephone.

No permit shall be issued or continued in effect until or unless the applicant maintains a lawful office for the transaction of business. Such business to include, but not limited to, the receipt of complaints, the payment of bills, the maintenance of records and the answering of telephone inquiries. Any change of address or telephone number shall be reported to the County Administrator within twenty-four (24) hours.
(Ord. of 9-6-1994, § 11-8)

Sec. 11-8. Transfer or termination of service.

Any person permitted under the provisions of this chapter shall give written notification to the County Administrator, or his designee and to his customers at least thirty (30) days prior to any termination, sale or transfer of such services.
(Ord. of 9-6-1994, § 11-9)

Sec. 11-9. Penalty for violation of chapter.

Any person who violates any provision of this chapter, or any rule or regulation herein by doing a prohibited act, or failure to perform a required act, or failure to perform permitted acts in the prescribed manner, shall be guilty of a Class 1 misdemeanor as provided in section 1-10 of the Culpeper County Code, with penalty as set forth therein. However, this provision does not preclude any civil action or actions which may be brought for any violation of this chapter.
(Ord. of 9-6-1994, § 11-19)

Cross reference—Penalty for Class 1 misdemeanor, § 1-10.

Sec. 11-10. Sanitary landfill permit.

No person shall permit the disposal of solid waste of any description, upon land owned or leased by him in the County unless and until he has secured all necessary permits from the Virginia Department of Waste Management and the Culpeper County Board of Supervisors to locate, operate, conduct or maintain a sanitary landfill.
(Ord. of 9-6-1994, § 11-20)

Secs. 11-11—11-20. Reserved.

ARTICLE II. COLLECTION

Sec. 11-21. Solid waste to be collected.

(a) All solid waste that results from normal household activities from premises to which solid waste services are provided shall be collected, except dead animals, manure, tree stumps, dirt, stone, rock or brick, poisons, dangerous acids and caustics, explosives or other dangerous material, or solid waste too large or too heavy to be collected shall include leaves, grass clippings and yard debris, if placed in plastic bags or other containers.

(b) All solid waste collected by the collector, upon being loaded into the collection vehicle, shall become the property of the collector.
(Ord. of 9-6-1994, § 11-10)

Sec. 11-22. Special collection.

Nothing in this chapter is intended to prevent a collector from providing special collection service, which is service in addition to the frequency of collection that normally is provided or the collection of solid waste either too large, too heavy or too bulky to be collected on regular collection schedules. The charges for special collection may constitute a separate contract between the collector and customer and is subject to this chapter only with respect to the use of Culpeper County disposal sites.
(Ord. of 9-6-1994, § 11-11)

Sec. 11-23. Manner of collection.

(a) Any solid waste collection business shall be conducted in such a manner so that it does not create a nuisance or adversely affect public health or violate any ordinance, statute, or Code of the County of Culpeper, State of Virginia or of the United States.

(b) Collection of solid waste shall be by permitted vehicles in such a manner that it does not spill or fall into the street or public way, and is not dumped, spilled, stored, or thrown into any street, court and alley, sewer inlet, vacant public lot, public way, or private property, or any area not designated as a lawful disposal site. Solid waste shall not be stored in solid waste collection vehicles for a length of time exceeding twelve (12) hours after completion of any daily solid waste collection route and solid waste shall be emptied as soon as possible after completion of any solid waste collection route.

(c) In the event any solid waste spills or falls into a street, public way, court, lane or alley during the process of collection, it shall be deemed the responsibility of the collector to correct such conditions. The same responsibility applies to any person transporting waste to either the landfill or to any of the convenience sites or recycling centers.

(d) No hazardous waste shall be disposed of at the sanitary landfill, convenience sites or any other disposal site in Culpeper County. The County Administrator may require from any collector an analysis by a certified laboratory deemed acceptable by the County Administrator of any solid waste requested for disposal to ensure that the solid waste does not contain any hazardous material. The laboratory analysis must be submitted, in writing to the County Administrator. Upon approval of the analysis by the County Administrator the solid waste can be accepted for disposal.

(e) Each permitted collection vehicle shall be washed inside and out at a suitable washing facility weekly when the vehicle is in use.

(f) Ferrous metals/white goods which include but shall not be limited to stoves, refrigerators, washing machines, clothes dryers and hot water tanks shall be disposed of only at the sanitary landfill and be separated so as not be mixed with other solid waste destined for the landfill. It shall be the responsibility of the person disposing of ferrous metals/white goods to immediately remove any unauthorized solid waste accidentally discharged at the ferrous metal/white goods area of the landfill.
(Ord. of 9-6-1994, § 11-12)

Sec. 11-24. Frequency of collection.

Residential solid waste, collected by a commercial collector, shall be collected no less than once each seven (7) days, and shall be collected more frequently as may be fixed by the health department upon a determination that more collections

are necessary for the preservation of public health with respect to any particular establishment producing solid waste.
(Ord. of 9-6-1994, § 11-13)

Sec. 11-25. Collection points.

Solid waste containers for residential solid waste shall be stored upon the residential premises. Solid waste containers for all other solid waste shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, and solid waste inspection personnel.
(Ord. of 9-6-1994, § 11-14)

Sec. 11-26. Collection vehicles, collection containers.

(a) All collection vehicles and containers to be used in the collection of solid waste shall be maintained and operated in a clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of the type of solid waste to be collected therein.

(b) In the event of collector service cancellation, all solid waste collector containers shall be removed from customer property by the collector. All such collector solid waste containers shall be removed within one (1) week of customer service cancellation.
(Ord. of 9-6-1994, § 11-15)

Sec. 11-27. Disposal of solid waste.

(a) All solid waste collected under the provisions of this chapter shall be disposed of only at the sanitary landfill. Convenience sites operated by Culpeper County shall be used only for normal household generated solid waste and are not to be used by commercial collectors. No ferrous metals/white goods, brush, large furniture, mattresses, etc. or any items too large to be loaded into the compactors or open boxes shall be disposed of at any convenience sites. Any person moving into the County may obtain a temporary sticker from the County Administrator or his designee upon proof of residence. Such temporary sticker to be valid only as long as the sticker from another jurisdiction is valid or the next due date for the Culpeper County vehicle sticker whichever is first.

(b) Nothing contained in the previous subsection shall be deemed applicable to:

(1) Recyclable materials which are those materials that have been source-separated by any person or materials separated from solid waste by any person for the subsequent utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy.

(2) Construction solid waste to be disposed of only in the sanitary landfill.

(3) Used oil only to be disposed of in approved sites operated by the County of Culpeper.

(c) All solid waste and recyclable materials lawfully disposed of at any Culpeper County disposal site shall become the property of the County of Culpeper.

(d) It shall be illegal for any collector to use a Culpeper County permit for the disposal of solid waste originating outside of the County of Culpeper. Any collector who illegally disposes of solid waste originating outside of the County of Culpeper at any of the aforesaid facilities shall be subject to suspension from use of said facility for a period of time not to exceed ninety (90) calendar days.
(Ord. of 9-6-1994, § 11-17)

Sec. 11-28. Vehicles not otherwise covered by this chapter.

(a) Any collection vehicle used for the transportation of solid waste in or through Culpeper County which is not subject to the permitting provisions of this chapter shall transport the said solid waste in such a manner as not to create a nuisance or adversely affect public health. The solid waste shall not be spilled, dumped or thrown into any street, court, lane, alley, sewer, inlet, vacant lot or public way, or private property or any area not designated as a disposal site. Liquid or semi-liquid when transported in non-watertight bodies shall be carried in watertight containers.

(b) Nothing contained in this chapter shall be deemed applicable to the removal and transportation of earth or rock material from gardening or excavation activities. Nor the removal and transportation or recyclable material when collected solely for recycling purposes, nor the collection of leaves, nor the removal and/or transportation of solid waste that is not the result of normal household activities, such as manure, dead animals, tree stumps, dirt, rock, brick, stone, poisons, caustics, acids, explosives or other hazardous waste, or other solid waste, either too large, too heavy, or too bulky to be loaded in collection vehicles with safety and convenience by collectors.
(Ord. of 9-6-1994, § 11-18)

Sec. 11-29. Unlawful accumulations; receptacles for organic materials.

It shall be unlawful for any person to place or allow to remain out of doors on any lot or parcel of land within the County any solid waste in an unsanitary manner or so as to create a nuisance.
(Ord. of 3-4-1997)

Sec. 11-30. Unlawful disposal.

It shall be unlawful for any person to:

(a) Cast, throw, sweep, dump, dispose or deposit anywhere in the County any solid waste or litter on the property of another or of the public except in areas or receptacles conforming with the regulations of the state department of health and designated for that purpose by the landowner; or

(b) Dispose of any solid waste on his own property in any manner not in conformance with the regulations of the state department of health.

(Ord. of 3-4-1997)

Sec. 11-31. Burial or cremation of animals or fowls which have died.

When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars ($75.00), and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars ($5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.
(Ord. of 3-4-1997)

Secs. 11-32—11-38. Reserved.

Chapter 12

TAXATION*

Article I. In General

Article II. Assessment of Real Estate Devoted to Agricultural, Horticultural and Forest Uses

Article III. Real Estate Tax Exemption for Elderly and Disabled Persons and For Certain Rehabilitated Real Estate

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***Cross references—**Fee for passing bad check to the County for payment of taxes, § 2-3; license tax on carnivals, animal shows, etc., § 3-41; dog license tax, § 4-34 et seq.; license tax on automobile graveyards, § 5-3, license tax on fortune-tellers, clairvoyants, etc., § 9-2; vehicle license taxes generally, § 10-21 et seq.; license tax on junked automobiles, § 10-40 et seq.

State law references—Taxation, Code of Virginia, Title 58.1; local levies, § 58.1-3000 et seq.; general authority of Board of Supervisors as to levies, § 15.2-1202.

Article IV. Retail Sales Tax

Article V. Use Tax

Article VI. Recordation Tax

Article VII. Tax on Purchasers of Utility Services

Article VIII. Local Tax for Enhanced Emergency Telephone Service

Article IX. Transient Occupancy Tax

Article X. License Taxes

Article XI. Going-Out-of-business Sale Permits

Article XII. Tax-Exemptions by Classification and Designation

Article XIII. Partnership for Economic Development and Job Training

Article XIV. Fire and Rescue Service District Tax

ARTICLE I. IN GENERAL

Sec. 12-1. Annual tax levies not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance providing for an annual tax levy, including, but not limited to, real estate taxes and taxes on tangible personal property, and machinery and tools, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. of 7-6-1999)

Editor's note—Ordinance of 7-6-1999 removed reference to merchants' capital tax.

Sec. 12-2. Returns of personal property subject to taxation.

(a) Every person owning personal property subject to taxation by the County shall file a return with the Commissioner of the Revenue declaring the same on or before the first day of May in the year in which such property is subject to taxation by the County. For failure to file such return on or before such day, the Commissioner of the Revenue shall assess a penalty of ten percent (10%) of the amount of the tax otherwise assessed or two dollars ($2.00), whichever is greater. Such penalty for late filing shall be due and payable at the time that the tax assessed is due and payable.

(b) An extension of time for filing returns required by this section may be granted, upon written request by the taxpayer to the Commissioner of the Revenue, at the Commissioner's discretion for good cause.

(Ord. of 8-4-1981)

State law reference—Authority for above section, Code of Virginia, § 54.1-4005.

Sec. 12-3. When taxes on real estate, tangible personal property, and machinery and tools due and payable; penalty on delinquencies.

Taxes due and owing to the County for real estate, tangible personal property, and machinery and tools shall be due and payable in one (1) installment on or before the fifth (5th) day of December of the current year the tax is assessed. On all such taxes remaining unpaid after that date, there shall be added a penalty of ten percent (10%) of the taxes due.

(Ords. of 9-2-1980, § 1; 7-6-1999)

Editor's note—Ordinance of 7-6-1999 removed reference to merchants' capital tax.

Cross reference—Payment of personal property tax as prerequisite to licensing of vehicles, § 10-26.

State law reference—Authority for above section, Code of Virginia, § 58.1-3916.

Sec. 12-4. Exemption from taxation for certain classes of household goods, personal effects, farm machinery and livestock.

Culpeper County will exempt from taxation those classes of household goods, personal effects, farm machinery and livestock as described in §§ 58.1-3504 and 58.1-3505 of the Code of Virginia, 1950, as may be amended from time to time.

(Ord. of 10-4-1994)

State law reference—Authority for above section, Code of Virginia, §§ 58.1-3504 and 58.1-3505.

Sec. 12-5. Refunds of local taxes erroneously paid.

The Commissioner of Revenue shall certify to the Treasurer, who shall refund any local taxes or class of taxes erroneously paid to the taxpayers of Culpeper County, in the manner prescribed by § 58.1-3990 of the Code of Virginia, 1950, as may be amended from time to time.

(Ords. of 10-4-1994; 1-3-1995)

Editor's note—The ordinance of 1-3-1995 amended this section, adding the phrase "certify to the Treasurer, who shall" so as to bring this section into compliance with current practice.

State law reference—Authority for above section, Code of Virginia, § 58.1-3990.

Sec. 12-6. Fees to cover administrative costs, reasonable attorney's or collection agency's fees in the collection of delinquent taxes.

(a) There is hereby imposed on delinquent taxpayers a fee to cover administrative costs which shall be in addition to all penalties and interest, and shall not exceed thirty dollars ($30.00) for taxes collected subsequent to filing of a war-

rant or other appropriate legal document but prior to judgment, and thirty-five ($35.00) for taxes collected subsequent to judgment.

(b) There is also imposed on delinquent taxpayers reasonable attorney's or collection agency's fees which shall not exceed twenty percent (20%) of the delinquent tax bill associated with the collection of delinquent taxes. Attorney's fees shall be added only if such delinquency is collected by action at law or suit in equity.
(Ord. of 3-4-1997; 2-3-2004(1))

Sec. 12-7. Assessment of new buildings substantially completed, etc; extension of time for paying assessment.

All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the Commissioner of Revenue shall enter in the books the fair market value of such building. No partial assessment, as provided herein, shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The total tax on any such new building for that year shall be the sum of: (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.
(Ord. of 12-3-2002(2))

Sec. 12-8. Abatement of levies on buildings razed, destroyed or damaged by fortuitous happenings.

The County hereby provides for the abatement of levies on buildings which are: (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner. No such abatement, however, shall be allowed if the destruction or damage to such building shall decrease the value thereof by less than five hundred dollars ($500.00). Also, no such abatement shall be allowed unless the destruction or damage renders the building unfit for use and occupancy for thirty (30) days or more during the calendar year. The tax on such razed, destroyed or damaged building is computed according to the ratio which the portion of the year the building was fit for use, occupancy and enjoyment bears to the entire year. Application for such abatement shall be made by or on behalf of the owner of the building within six (6) months of the date on which the building was razed, destroyed or damaged.
(Ord. of 12-3-2002(3))

Secs. 12-9—12-13. Reserved.

ARTICLE II. ASSESSMENT OF REAL ESTATE DEVOTED TO AGRICULTURAL, HORTICULTURAL AND FOREST USES

Sec. 12-14. Findings of fact.

The Board of Supervisors finds that the preservation of real estate devoted to agricultural, horticultural and forest uses within its boundaries is in the public interest and, having heretofore adopted a land use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of Article 4 of Chapter 32 of Title 58.1 (§58.1-3229 et seq.) of the Code of Virginia and of this article.
(Ord. of 11-6-1974, § 1)

Sec. 12-15. Application for classification and assessment generally.

(a) The owner of any real estate meeting the criteria for agricultural, horticultural or forest use as set forth in §§ 58.1-3230 and 58.1-3233 of the Code of Virginia may, on or before November 1 of each year, or in a year of a general reassessment, no later than thirty (30) days after the mailing of the owner's notice of increase in assessment pursuant to § 58.1-3330, apply to the Commissioner of the Revenue for the classification,

assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236 of the Code of Virginia. Such application shall be on forms provided by the state department of taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue.

(b) An application fee of twenty-five dollars ($25.00) shall accompany each application submitted under this section.

(c) A separate application shall be filed under this section for each parcel on the land book.

(d) No application shall be accepted or approved, if at the time the application is filed, the tax on the land affected is delinquent. However, upon payment of all delinquent taxes, including penalty and interest, the application shall be treated in accordance with the provisions of this article.

(e) Any change in use or amount of acreage of an approved parcel shall require the owner of any such parcel to make a new application under the procedures set forth in this article, including the payment of fees hereunder, to reestablish the use value assessment status for the parcel so affected. A parcel having an acreage reduction solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment, shall be required to reapply, but no fee may be charged and no loss of tax status shall result.
(Ords. of 11-6-1974, § 2; 7-7-1992)

Editor's note—The 7-7-1992 amendment revised subsection (a) to include in the first sentence the words "for agricultural, horticultural or forest use" and "or in a year of a general reassessment, no later than thirty (30) days after the mailing of the owner's notice of increase in assessment pursuant to § 58.1-3330," to make clear that only those uses qualify, and to clarify the time of application; and added subsections (d) to clarify that applications cannot be made if taxes are delinquent and (e) to stipulate that any change in use or amount of acreage would require the owner to reapply.

Sec. 12-16. Determinations by Commissioner of the Revenue.

(a) Promptly upon receipt of any application under this article, the Commissioner of Revenue shall determine whether the subject property meets the criteria for taxation hereunder. If the Commissioner of Revenue determines that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.

(b) In determining whether the subject property meets the criteria for "agricultural use" or "horticultural use," the Commissioner of Revenue may request an opinion from the State Commissioner of Agriculture and Commerce; in determining whether the subject property meets the criteria for "forest use," he may request an opinion from the Director of the state department of conservation and economic development. Upon the refusal of any such officer to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth by such officer, the party aggrieved may seek relief from any Court of record wherein the real estate in question is located. If the Court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this article.
(Ord. of 11-6-1974, § 3)

Sec. 12-17. Land book entries; tax to be extended from use value.

The use value and fair market value of any property qualifying under this article shall be placed on the land book before delivery to the County Treasurer, and the tax for the next succeeding tax year shall be extended from the use value.
(Ord. of 11-6-1974, § 4)

Sec. 12-18. Roll-back tax when use changes to non-qualifying use.

(a) There is hereby imposed a roll-back tax, and interest thereupon, in such amounts as may be determined under § 58.1-3237 of the Code of Virginia, upon any property as to which the use changes to a non-qualifying use under this article.

(b) The owner of any real estate liable for roll-back taxes shall report to the Commissioner of Revenue, on forms to be prescribed, any change in the use of such property to a non-qualifying use and shall pay the roll-back tax when due. In any such case, reference shall be made to § 58.1-3237

of the Virginia Code in order to determine the necessity for, and amount of, any such required roll-back tax.
(Ords. of 11-6-1974, §§ 5, 6; 7-7-1992, § 12-18(b))

Editor's note—The 7-7-1992 amendment revised subsection (b) to reference the Code of Virginia in roll-back situations as the governing authority.

Sec. 12-19. Misstatements in application filed under article.

Any person making a material misstatement of fact in any application filed pursuant to this article shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the County, together with interest and penalties thereon, and he shall be further assessed with an additional penalty of one hundred percent (100%) of such unpaid taxes.
(Ord. of 11-6-1974, § 6)

Sec. 12-20. Applicability of general tax law.

The provisions of Subtitle III of Title 58.1 of the Code of Virginia applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation under this article *mutatis mutandis* including, without limitation, provisions relating to tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.
(Ord. of 11-6-1974, § 7)

Sec. 12-21. How land in agricultural districts qualifies for use value assessment.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance creating any agricultural district pursuant to §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, which property, if found to meet the requirements and qualifications as defined in section 12-15 of this article, automatically qualifies for assessment pursuant to this article and applicable State law, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.
(Ord. of 7-7-1992)

Editor's note—The 7-7-1992 amendment modified this section to state that agricultural district land must still meet all use value assessment qualifications in order to receive use value assessments. The words "the land in" were deleted; the words "property, if found to meet the requirements and qualifications as defined in section 12-15 of this article" were inserted; and "if used in agricultural production" deleted.

Sec. 12-22. Revalidation; fees.

(a) In order to retain the assessment status granted by this article, the owner of any real estate qualifying for use value assessment, shall make application at every general reassessment for revalidation of his real estate assessment status under this article. A revalidation fee equal to the current fee for an original application shall begin with the 1992 general reassessment and continue thereafter with every other general reassessment. However, no revalidation fee shall occur more frequently than every sixth (6th) year. The deadline for application for revalidation shall be on or before the date on which the last installment of property tax prior to the effective date of the assessment is due or thirty (30) days after the notice of reassessment is mailed, whichever is later.

(b) A separate revalidation application shall be required for each parcel on the land book.
(Ord. of 7-7-1992)

Editor's note—The 7-7-1992 amendment added this new section to require revalidation upon every general reassessment beginning with 1992 reassessment, with fees to attach in 1992 and be assessed at each revalidation if that period were at least six (6) years from the last revalidation.

State law reference—Authority of County to adopt ordinance similar to this article, Code of Virginia, § 58.1-3231.

Secs. 12-23—12-31. Reserved.

ARTICLE III. REAL ESTATE TAX EXEMPTION FOR ELDERLY AND DISABLED PERSONS AND FOR CERTAIN REHABILITATED REAL ESTATE

Sec. 12-32. General grant and eligibility requirements.

(a) Real estate and manufactured homes, as defined in § 36-85.3 of the Code of Virginia, owned by and occupied as the sole dwelling of a person

not less than 65 years of age or a person who is determined to be permanently and totally disabled, as defined in §§ 58.1-3210 and 58.1-3211 of the Code of Virginia, shall be exempt from taxation by the County to the extent provided in this article and subject to the provisions of this article. Persons qualifying for such exemptions are deemed to bear an extraordinary real estate tax burden in relation to their income and financial worth.

(b) A dwelling jointly held by a husband and wife shall be exempt under this article, if either spouse is over 65 or is permanently and totally disabled and other requirements of this article are met.

(c) An exemption shall be granted under this article for any year following the date that the qualifying person occupying such dwelling and owning title or partial title thereto reaches the age of 65 years or for any year following the date the disability occurred.

(Ords. of 11-24-1980; 12-4-1984; 10-8-1996)

Editor's note—The 10-8-1996 amendment replaced the term "mobile homes" with "manufactured homes" to be consistent with statutory terminology.

Sec. 12-33. Limitation on income and financial worth.

The exemption provided for in this article shall be subject to the following restrictions and conditions:

(1) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling shall not exceed thirty thousand dollars ($30,000.00); provided, that the first six thousand five hundred dollars ($6,500.00) of income of each relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.

(2) The net combined financial worth, including equitable interests, as of the 31st day of December of the immediately preceding calendar year, of the owners and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated, shall not exceed one hundred thousand dollars ($100,000.00).

(3) The net combined financial worth shall also exclude furniture, household appliances, and other items typically used in a house.

(Ords. of 11-24-1980; 4-5-1983, § 1; 6-2-1987; 7-7-1992; 11-6-1996; 12-3-2002(4); 7-1-2003)

Editor's note—The 11-6-1996 amendment modified subsection (1) to reflect a higher limit on total combined income from twenty-two thousand dollars ($22,000.00) to twenty-five thousand dollars ($25,000.00).

Sec. 12-34. Applicant's affidavit and certification.

The person claiming the exemption provided for in this article shall file in the first year of eligibility and on a three-year cycle thereafter, an affidavit, on a form to be supplied by the Commissioner of the Revenue, setting forth the names of the related persons occupying such real estate and that the total combined net worth, including equitable interest and the combined income from all sources, of all persons specified in § 58.1-3211 of the Code of Virginia do not exceed the limits prescribed in this article, together with a copy of the applicants' income tax return for the immediately preceding calendar year for each person subject to the income limitation of section 12-33 of this article. Such affidavit shall be filed with the Commissioner of the Revenue by the applicants for exemption under this article. In those years in which an affidavit is not filed, the applicants shall file an annual certification that no information contained on the last preceding affidavit filed with the Commissioner of the Revenue has changed to violate the limitations and conditions provided in this article and § 58.1-3213 of the Code of Virginia.

(Ords. of 11-24-1980; 7-7-1992, 11-1-1994)

Editor's note—The 7-7-1992 amendment amended the original ordinance so as to require annual filing. The 11-1-1994 amendment returned to the original ordinance in that it requires a new application to be filed every three (3) years, with annual affidavits verifying the correctness of the previously filed application.

Sec. 12-35. Amount of exemption.

The amount of tax exempted under this article shall be equal to the percentage of the annual tax on the subject real estate given in the following table:

NET COMBINED FINANCIAL WORTH

TOTAL COMBINED INCOME	*$24,667 and under*	*$24,668 to 49,777*	*$49,778 to 74,888*	*$74,889 to 100,000*
	(in percent)			
Less than $16,128	100	90	81	73
$16,129 to $19,488	90	81	73	66
$19,489 to $22,848	70	63	57	51
$22,849 to $26,208	50	45	40	36
$26,209 to $30,000	30	27	24	22

(Ords. of 11-24-1980; 4-5-1983, § 2; 6-2-1987; 7-7-1992; 11-6-1996; 7-1-2003)

Editor's note—The 11-6-1996 amendment reflects higher limits on total combined income.

Sec. 12-36. Proration under certain circumstances.

(a) A change in ownership to a spouse who is less than 65 years of age and is not permanently and totally disabled, when such change resulted solely from the death of his or her qualified spouse, shall result in a prorated exemption under this article for the then-current taxable year. Such prorated exemption shall be determined by multiplying the amount of the exemption by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption is the numerator and the number twelve (12) is the denominator.

(b) A sale of such property shall result in a prorated exemption for the then-current taxable year. "A sale of property", as used in this section, shall include all conveyances resulting from the death of a sole surviving owner of the property, including, without limitation, transfers to heirs. Such proceeds from the sale which would result in the prorated exemption shall not be included in the computation of net worth or income as provided for in this chapter. Such prorated exemption shall be determined by multiplying the amount of the exemption by a fraction wherein the number of complete months of the year such property eligible for such exemption is the numerator and the number twelve (12) is the denominator.

(Ords. of 11-24-1980, § 12-36(a); 5-4-1993, § 12-36(b); 5-2-1995, § 12-36(b))

Editor's note—The 5-4-1993 amendment added "(a)" at the beginning of the first paragraph and a new subsection (b) to allow currently qualified persons to receive a prorated tax exemption for the current year when selling their property; and to ensure that the income from the sale would not be considered in the person's net worth so as not to be disqualified on income basis. The 5-2-1995 amendment added the second sentence to subsection (b) so as to allow for proration of taxes upon the death of the sole surviving owner of the property.

Sec. 12-37. Adoption of state law.

The provisions, conditions and limitations of Article 2 of Chapter 32 of the Code of Virginia, which have not been altered by this article, are incorporated herein by reference.

(Ord. of 11-24-1980)

Sec. 12-38. Application.

(a) The date for reapplication and annual certifications required by section 12-34 shall be no earlier than January 1, nor later than April 1 of each year.

(b) First-time applicants, or hardship cases as determined by the Commissioner of the Revenue, may make application at any time after January 1, and before December 31, for the current tax year.

(c) The deadline for all applicants in the year 1992 shall be July 31.

Editor's note—The 7-7-1992 amendment added a new section entitled "Application", which established April 1 for reapplication and annual certifications; allowed first-time applicants or certain hardship cases to file at any time; and established July 31 as the 1992 application deadline.

Sec. 12-39. Partial tax exemptions for certain rehabilitated historic real estate.

(a) Improvements to historic real estate within Culpeper County which have been substantially rehabilitated for residential, commercial, or industrial use shall be permitted a partial real estate tax exemption, subject to the conditions and restrictions set forth in this section.

(b) Definitions. For the purposes of this section, the following definitions shall apply:

(1) *Historic real estate* shall mean structures specifically identified in the Historic Resources Chapter of either the Culpeper County Comprehensive Plan or the Town of Culpeper Comprehensive Plan, or lo-

cated wholly within the area of Culpeper County designated for the Town of Culpeper's Main Street Program and Community Development Block Grant area as of the date of the adoption of this section, and which are no less than fifty (50) years old.

(2) *Substantially rehabilitated* shall mean the historic structure's interior and exterior has been significantly improved so as to increase the assessed value of the structure, without increasing the total square footage of such structure by more than fifteen percent (15%) and without detrimentally impacting its historic appearance and significance.

(c) The partial tax exemption provided by this section shall be an amount equal to one hundred percent (100%) of the increase in assessed value resulting from the substantial rehabilitation of the historic residential, commercial, or industrial structure as determined by the Commissioner of the Revenue. The partial tax exemption shall commence on January 1 of the year following completion of the substantial rehabilitation and shall run with the real estate for a period of five (5) years.

(d) Nothing in this section shall be construed to permit the Commissioner of the Revenue to list upon the land book any reduced value due to the partial tax exemption provided in this section.

(e) Any person seeking the partial tax exemption provided by this section shall file an application with the Building Official prior to the commencement of rehabilitation. A fee of fifty dollars ($50.00) for processing an application requesting such partial tax exemption shall be collected along with the application. The Building Official shall forward the completed application to the Commissioner of the Revenue, along with evidence of issuance of the appropriate building permits. No property shall be eligible for such partial tax exemption unless the rehabilitation work as described in the appropriate building permits has been completed and approved by the Building Official and verified by the Commissioner of the Revenue.

(f) The most recent tax assessed value shall be used for determining the fair market value of the property prior to the commencement of rehabilitation.
(Ord. of 11-3-1999)

Secs. 12-40—12-47. Reserved.

ARTICLE IV. RETAIL SALES TAX

Sec. 12-48. Levied; to be added to state tax and subject to laws relating thereto.

Pursuant to § 58.1-605 of the Code of Virginia, a local general retail sales tax, at the rate of one percent (1%), to provide revenue for the general fund of the County, is hereby levied. Such tax shall be added to the rate of the State sales tax imposed by Chapter 6 of Title 58.1 (§ 58.1-600, et seq.) of the Code of Virginia and it shall be subject to all provisions of such chapter, all amendments thereto and the rules and regulations published with respect thereto.
(Ord. of 6-7-1966, § 1)

Sec. 12-49. Administration and collection.

Pursuant to § 58.1-605 of the Code of Virginia, the local general retail sales tax levied by this article shall be administered and collected by the State tax commissioner in the same manner and subject to the same penalties as provided for the State sales tax, with the adjustments required by §§ 58.1-605 and 58.1-628 of the Code of Virginia.
(Ord. of 6-7-1966, § 2)

Secs. 12-50—12-59. Reserved.

ARTICLE V. USE TAX

Sec. 12-60. Imposed; to be added to state tax and subject to laws relating thereto.

Pursuant to § 58.1-606 of the Code of Virginia, there is hereby imposed in the County a local County use tax, at the rate of one percent (1%), to provide revenue for the general fund of the County. Such tax shall be added to the rate of the State

use tax imposed by Chapter 6, Title 58.1 (§ 58.1-600 et seq.) of the Code of Virginia and shall be subject to all the provisions of that chapter and all amendments thereof and the rules and regulations published with respect thereto.
(Res. of 4-20-1968)

Sec. 12-61. Purpose of article.

The purpose of this article is to impose the local use tax authorized by § 58.1-606 of the Code of Virginia.
(Res. of 4-20-1968)

Secs. 12-62—12-71. Reserved.

ARTICLE VI. RECORDATION TAX

Sec. 12-72. Imposed; disposition.

There is hereby imposed a County recordation tax, in an amount equal to one-third of the amount of the State recordation tax collectible for the State on the first recordation of each taxable instrument in the County, as set out in §§ 58.1-814 and 58.1-3800 through 58.1-3804 of the Code of Virginia. Taxes collected hereunder shall be placed in the general fund of the County.
(Res. of 3-3-1959)

Secs. 12-73—12-82. Reserved.

ARTICLE VII. TAX ON PURCHASERS OF UTILITY SERVICES

Sec. 12-83. Definitions.

The following words and terms, when used in this article, shall, for the purpose of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

Business or industrial user, in addition to the normal usage, shall mean the owner, occupant or tenant of property used for business, industrial, religious, fraternal, civic, educational or volunteer services and all other purposes, who pays for utility service in or for such property.

Purchaser shall include every person who purchases a utility service.

Residential user, in addition to the normal word usages, shall mean the owner, occupant or tenant of residential property who pays for or is charged for utility service in or for such property.

Seller shall include every person, whether a public service corporation or a municipality or private corporation or not, who sells or furnishes a utility service.

Utility service shall include a local exchange telephone service and equipment and electric service furnished within the County.
(Ord. of 6-11-1981, § 7)

Sec. 12-84. Levied; amount; exclusions.

There is hereby imposed and levied by the County, upon each and every purchaser of a utility service, a tax for general purposes in the following amounts:

(1) On purchasers of electric service for residential purposes, the tax shall be in the amount of $0.14953 per kilowatt hour delivered to the purchaser, including customer charges, made by the seller against the purchaser with respect to such residential electric service; provided, however, that the minimum tax charged shall be one dollar and forty cents ($1.40) per month and the maximum tax charged shall be three dollars ($3.00) per month. In the case of any apartment house or other multiple family dwelling using electric service through a master meter or master meters, the maximum tax charged shall be multiplied by the number of dwelling units served. There shall be no tax computed on bills submitted for electric service for water heating or space heating, where a separate meter is used solely for water heating or space heating service.

(2) On purchasers of electric service for business or industrial purposes, the tax shall be in the amount of $0.14658 per kilowatt hour delivered to the purchaser, including customer charges, made by the seller

against the purchaser with respect to such business or industrial electric service; provided, however, that the minimum tax charged shall be two dollars and twenty-nine cents ($2.29) per month and the maximum tax charged shall be ten dollars ($10.00) per month.

(3) On purchasers of local telecommunication service for residential purposes, the tax shall be in the amount of twenty percent (20%) of the charge (exclusive of any Federal or State tax thereon) made by the seller against the purchaser with respect to such local telecommunication service and equipment; provided, however, that in case any monthly bill submitted by the seller for local telecommunication service shall exceed fifteen dollars ($15.00), there shall be no tax computed on so much of such bill as shall exceed fifteen dollars ($15.00).

(4) On purchasers of local telecommunication service for business or industrial purposes, the tax shall be in the amount of twenty percent (20%) of the charge (exclusive of any Federal or State tax thereon) made by the seller against the purchaser with respect to such local telecommunication service and equipment; provided, however, that in case any monthly bill submitted by the seller for local telecommunication service shall exceed fifty dollars ($50.00), there shall be no tax computed on so much of such bill as shall exceed fifty dollars ($50.00).

(5) Notwithstanding the foregoing, on purchasers of mobile local telecommunication service, the tax shall be in the amount of ten percent (10%) of the charge (exclusive of any Federal or State tax thereon) made by the seller against the purchaser with respect to such mobile local telecommunication service; provided, however, that in case any monthly bill submitted by the seller for mobile local telecommunication service shall exceed thirty dollars ($30.00), there shall be no tax computed on so much of such bill as shall exceed thirty dollars ($30.00).

(Ord. of 6-11-1981, § 1, 10-3-2000)

Editor's note—The amendment of 10-3-2000 changed the computation method on electrical utility taxes from a revenue base to a per-kilowatt-hour base, as required by State code due to the deregulation of the electric industry. The amendment also modified the language of subsections (3) and (4) to include all local telecommunication service, rather than just telephone service, and added subsection (5) dealing with mobile local telecommunication service.

State law reference—Authority for above tax, Code of Virginia, §§ 58.1-3812 and 58.1-3814.

Sec. 12-85. Exemptions.

(a) The United States of America, diplomatic personnel exempted by the laws of the United States, the State and its political subdivisions are hereby exempt from the payment of the tax imposed and levied by this article with respect to the purchase of utility services used by such governmental agencies.

(b) There shall be no tax computed under this article on bills submitted on sales of electric utility service for resale.

(c) The tax imposed by this article shall not apply to electric service sold by the Town of Culpeper within the boundaries of such town.

(d) In the event that the Town of Culpeper imposes a utility tax so that § 58.1-3812 or 58.1-3814 of the Code of Virginia precludes the imposition of the tax provided for in this article within the boundaries of the Town of Culpeper, then the tax imposed by this article shall not apply to utilities sold within the boundaries of the Town of Culpeper.

(Ord. of 6-11-1981, § 8)

Sec. 12-86. Computation.

(a) For the purposes of this article, bills for utility services shall be considered monthly bills, if submitted twelve (12) times annually for a period of approximately one (1) month or portion thereof. In the event that bills shall be rendered for utility services on a basis other than one (1) month, the tax imposed hereby shall be computed

pro rata as if such bill were rendered on a monthly basis with the rates prescribed in this article applied.

(b) In all cases where the seller collects the price for utility service in stated periods, the tax imposed and levied by this article shall be computed on the amount of purchase during the month or period according to each bill rendered, provided that, the amount of tax to be collected shall be the nearest whole cent to the amount computed.
(Ord. of 6-11-1981, §§ 1, 4)

Sec. 12-87. Duty of seller to collect, report and remit; dedication for solid waste management.

(a) It shall be the duty of every seller in acting as the tax collecting medium or agency for the County to collect from the purchaser for the use of the County the tax hereby imposed and levied by this article, at the time of collecting the purchase price charged for the utility service. The taxes collected during the calendar month shall be reported by each seller to the Commissioner of the Revenue and each seller shall remit the amount of tax shown by said report to have been collected to the County Treasurer on or before the last day of the second calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. All revenues derived from any utility services tax imposed by this article shall be, to the extent necessary, used for solid waste management.

(b) The County Treasurer may prescribe forms for the report and remittance required by this section.

(c) The County Treasurer may extend, for good cause shown, the time for filing any return required to be filed by the provisions of this section; provided, however, no such extension shall exceed a period of ninety (90) days.
(Ords. of 6-11-1981, §§ 3, 4, 6; 8-2-1994)

Editor's note—Amendment of 8-2-1994 added the phrase "dedication to solid waste management" to the title of the section and added the last sentence to subsection (a).

Sec. 12-88. Seller's records.

Each seller shall keep complete records showing all purchases of utility services in the County, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof, the date of payment therefor and the amount of tax imposed under this article. Such records shall be kept open for inspection by the duly authorized agents of the County during regular business hours on business days, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.
(Ord. of 6-11-1981, § 5)

Sec. 12-89. Duty of County Treasurer.

The County Treasurer shall be charged with the duty of collecting the taxes imposed and levied by this article.
(Ord. of 6-11-1981, § 2)

Sec. 12-90. Failure of purchaser to pay; violations of article by seller.

Any purchaser failing, refusing or neglecting to pay the tax imposed or levied by this article, upon conviction thereof, and any seller violating the provisions of this article and any officer, agent or employee of any seller violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment. Each failure, refusal, neglect or violation and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection and remittance of such tax as provided in this article.
(Ord. of 6-11-1981, § 9)

ARTICLE VIII. LOCAL TAX FOR ENHANCED EMERGENCY TELEPHONE SERVICE

Sec. 12-91. Purpose of article.

The purpose of this article is to impose a special tax on the consumers of the local tele-

phone service for the establishment of an enhanced 911 emergency telephone system, hereinafter referred to as "E-911," authorized by § 58.1-3813 of the Code of Virginia, 1950, as amended.
(Ord. of 9-11-1990, § 12-91)

Sec. 12-92. Definitions.

The following phrases shall have the following meanings:

E-911 system means a telephone service which utilizes a computerized system to automatically route emergency telephone calls placed by dialing the digits "911" to the proper public safety answering point serving the jurisdiction from which the emergency telephone call was placed. An E-911 system includes selective routing of telephone calls, automatic telephone number identification and automatic location identification performed by computers and other ancillary control center communications equipment.

Public safety agency means a functional division of a public agency which provides firefighting, police, medical or other emergency services or a private entity which provides such services on a voluntary basis.

Public safety answering point means a communications facility operated on a twenty-four-hour basis which first receives E-911 calls from persons in an E-911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer or relay E-911 calls to appropriate public safety agencies.

Telephone service means telephone service or services provided by any corporation coming within the provisions of Chapter 26 of Title 58.1 of the Code of Virginia, 1950, as amended.
(Ord. of 9-11-1990, § 12-92)

Sec. 12-93. Levied; amount.

(a) There is hereby imposed and levied by the County upon every consumer of telephone service or services a tax in the amount of three dollars ($3.00) per month. This tax shall be paid by the consumer to the provider of telephone service (hereinafter referred to as "provider") for the use of the County of Culpeper to pay the initial capital, installation and maintenance costs of its E-911 system. When initial capital and installation costs have been fully recovered, such tax shall be adjusted or reduced and only used to offset the following expenses paid by the County of Culpeper which are directly attributable to the E-911 program: (i) recurring maintenance, repair, and system upgrade costs; (ii) salaries or portion of salaries of dispatchers or call-takers; and (iii) the salary or portion of the salary of the director or coordinator of the E-911 program so long as such director or coordinator has no duties other than responsibility for the E-911 program.

(b) The County shall notify the provider of the date on which the tax is to be adjusted or reduced under this section, as authorized by the Culpeper County Board of Supervisors. This notification will be sent by certified mail to the registered agent to the provider sixty (60) days in advance of the date on which the tax is to be adjusted or reduced.
(Ords. of 9-11-1990, § 12-93; 7-7-1998, 4-27-2000; 5-3-2002)

Editor's note—Amendment of 7-7-1998 deleted the words "costs only" from the last sentence of subsection (a) and added the words "repair, and system upgrade costs, and salaries or portion of salaries of dispatchers or call-takers". Amendment of 4-27-2000 modified subsections (a) and (b) to reflect the fact that the tax is currently being implemented and that it can be adjusted or reduced as necessary. It also added the salary or portion of the salary of the E-911 director or coordinator to those things which are funded by the tax.

Sec. 12-94. Exemptions.

(a) The United States of America, the Commonwealth of Virginia and the political subdivisions, agencies, boards, commissions and authorities of the United States and Virginia are hereby exempted from payment of the tax imposed and levied by this article.

(b) This tax shall not apply to any local telephone service where a periodic bill is not rendered.
(Ord. of 9-11-1990, § 12-94)

Sec. 12-95. Duty of provider to collect.

(a) It shall be the duty of the provider in acting as the tax collecting medium or agency for the County to add the amount of the tax imposed under section 12-93 of this article to all periodic

bills it rendered to nonexempt consumers of telephone service. The provider shall accept remittances of tax from consumers at the time it collects the charges for local telephone service and shall report and pay over all tax collected in any calendar month to the Treasurer of Culpeper County on or before the last day of the first calendar month thereafter. At this time, the provider shall notify the County Treasurer of the name and address of all consumers who refuse to pay the tax imposed by this article.

(b) For the purpose of compensating the provider for accounting for and remitting the tax levied by this article, the provider shall be allowed three percent (3%) of the amount of tax due and accounted for in the form of a deduction in submitting the return and paying the amount due by it.
(Ord. of 9-11-1990, § 12-95)

Sec. 12-96. Provider's records.

The provider shall keep records showing all purchases of telephone service in the County. These records must show the dates of bills for telephone service and the amount of tax appearing on each bill. These records shall be kept at the provider's offices for a period of three (3) years for inspection by the duly authorized agents of the County, at reasonable times during normal business hours. The duly authorized agents of the County shall have the right, power and authority to make copies thereof.
(Ord. of 9-11-1990, § 12-96)

Sec. 12-97. Duty of County Treasurer.

The County Treasurer shall be charged with the duty of collecting and accounting for the taxes imposed and levied by this article.
(Ord. of 9-11-1990, § 12-97, 4-27-2000)

Editor's note—The amendment of 4-27-2000 deleted the second clause of this section, simplifying it.

Sec. 12-98. Failure of consumer to pay.

Any consumer who willfully fails, refuses or neglects to pay the tax hereby imposed by any provider or any officer, agent or employee of any provider who, with full knowledge, willfully refuses to perform the duties imposed on it by sections 12-95 and 12-96 with the intent of preventing the collection of the tax imposed by this article shall upon conviction be subject to a fine of not more than twenty-five dollars ($25.00). Each failure, refusal or neglect and each day's continuance thereof, shall constitute a separate offense.
(Ord. of 9-11-1990, § 12-98)

Secs. 12-99—12-108. Reserved.

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 12-109. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commissioner of Revenue: The Commissioner of Revenue of the County or any of his duly authorized deputies or agents.

Hotel: Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house, bed and breakfast, boarding house or other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days within the County, and the owner and operator thereof, who, for compensation, furnishes lodging to any transients as hereinafter defined.

Room or space rental: The total charge made by any hotel or travel campground for lodging or space furnished any transient. If the charge made by such hotel or travel campground to transients includes any charge for services or accommodations in addition to that of lodging, and the use of space, then such portion of the total charge as represents only room and space rental shall be distinctly set out and billed to such transient by such hotel or travel campground as a separate item.

Transient: Any natural person who, for any period of fewer than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging or the use of any space in any hotel or travel campground as hereinabove defined, for which lodging or use of space a charge is made.

Travel campground: Any area or tract of land used to accommodate tents, travel trailers, motor homes or other facilities offering guest space rented out for continuous occupancy for fewer than thirty (30) consecutive days within the County, and the owner and operator thereof, who, for compensation, furnishes lodging to any transients as hereinafter defined.
(Ord. of 9-6-1994, § 12-109)

Sec. 12-110. Levy and rate of tax.

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby imposed and levied on each and every transient tax equivalent to two percent (2%) of the total amount charged for room or space to any hotel or travel campground.
(Ord. of 9-6-1994, § 12-110)

Sec. 12-111. Exemptions.

No tax shall be payable hereunder on room or space rental paid to any hospital, medical clinic, convalescent home or home for the aged.
(Ord. of 9-6-1994, § 12-111)

Sec. 12-112. Certificate of registration.

(a) Every person responsible for the collection of the tax levied in section 12-110 shall file an application for a certificate of registration with the Commissioner of the Revenue. This application shall be on a form prescribed by the Commissioner of the Revenue to provide information for the assessment and collection of this tax and for the enforcement of the provisions of this article. The application shall be signed under oath by the person making application who shall be an officer, partner, or authorized agent of the applicant.

(b) Upon approval of the application by the Commissioner of the Revenue, a certificate of registration authorizing the collection of this transient occupancy tax shall be issued to the applicant.

(c) Each person with a certificate of registration pursuant to this section shall notify the Commissioner of the Revenue of any changes to the information provided on their application for the certificate within thirty (30) days of the change.
(Ord. of 9-6-1994, § 12-112)

Sec. 12-113. Collection.

Every person receiving any payment for room or space rental with respect to which a tax is levied under this article, shall collect the amount of tax hereby imposed from the transient on whom the same is levied or from the person paying for such room or space rental, at the time payment for such room or space rental is made.
(Ord. of 9-6-1994, § 12-113)

Sec. 12-114. Taxes collected held in trust.

The taxes required to be collected under this article shall be deemed to be held in trust for the County by the person required to collect such taxes until remitted to the County as required in this article.
(Ord. of 9-6-1994, § 12-114)

Sec. 12-115. Filing of tax returns and remittance of tax.

(a) Every person required to collect the taxes levied under the provisions of this article shall file a tax return for each calendar year and upon such forms as the Commissioner of the Revenue shall prescribe. Each annual tax return shall be filed with the Commissioner of the Revenue with remittance of the tax required to be collected for the previous year.

(b) Such tax returns and remittances shall be made to the Commissioner of the Revenue on or before the 31st day of March following the end of each calendar year and shall cover the taxes required to be collected by the owner or operator during the previous year; provided, however, that when the Commissioner of the Revenue finds any owner or operator demonstrates a pattern of late filing of tax return or payment of taxes, the Commissioner of the Revenue may require the filing of tax returns and remittance of taxes on a more frequent basis.

(c) For the purpose of compensating any person who collects the tax levied in section 12-110 and files a timely tax return and remittance in

accordance with this section may retain one percent (1%) of the taxes which were collected. Persons who retain this collection fee shall deduct it from the return and remittance filed with the Commissioner of the Revenue. Any such deduction shall be shown on the forms prescribed by the Commissioner of the Revenue. In addition to the penalties, interest and fees prescribed by section 12-116 of this article, any person who does not timely file tax returns and remittances of all taxes due or who otherwise fails to comply with the provisions of this article shall not be entitled to the collection fee authorized by this subsection.

(d) Subject to the interest and penalty provisions of section 12-116 of this article, the Commissioner of the Revenue may extend, for good cause shown, the time for filing any return required to be filed by the provisions of this section; provided, however, that no such extension shall exceed a period of ninety (90) days.

(Ords. of 9-6-1994, § 12-115; 8-6-1996; 10-7-1997)

Editor's note—Amendment of 10-7-1997 amended this section so that returns are filed annually rather than quarterly.

Sec. 12-116. Penalties, interest and collection fees.

(a) If an owner or operator required to collect taxes pursuant to this article fails or refuses to file the tax returns or to remit the taxes collected or due within the time and in the amount specified by this article, there shall be added to such tax due a penalty of ten percent (10%) of the tax due.

(b) In addition to all penalties, interest at the maximum rate allowed by § 58.1-15 of the Virginia Code, as may be amended from time to time, shall be charged on all taxes and penalties not paid when due. Interest shall begin to accrue on the first day of the month following the month in which the taxes were due to the County and shall continue to accrue until paid in full.

(c) Any person who fails to pay the taxes on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be added to all penalties and interest and shall be in amounts prescribed by § 58.1-3958 of the Code of Virginia, 1950, as may be amended from time to time.

(d) The assessment or payment of penalties, interest or fees pursuant to this section shall not be deemed a defense to any criminal prosecution for failure to comply with any of the requirements of this article.

(Ord. of 9-6-1994, § 12-116)

Sec. 12-117. Assessments and collection of omitted taxes.

(a) If any person required to collect and remit the tax imposed by this article fails to file a statement and a remittance, or if the Commissioner of the Revenue has reasonable cause to believe that an erroneous statement has been filed, the Commissioner of the Revenue may proceed to determine the amount due the County and in connection therewith may make investigation and take testimony and other evidence as may be necessary; provided, however, that notice and opportunity to be heard be given any person who may become liable for the amount owned prior to any determination by the Commissioner of the Revenue.

(b) If the Commissioner of the Revenue finds that any owner or operator has failed to collect the taxes required by this article or has failed to remit taxes collected to the County, the Commissioner of the Revenue shall immediately assess such taxes, including penalty as provided in section 12-116, against the owner or operator as the Commissioner of the Revenue determines are due pursuant to § 58.1-3903 of the Code of Virginia, 1950, as may be amended from time to time, and certify such assessment to the County Treasurer for collection.

(c) Any owner or operator who neglects, fails, or refuses to collect the taxes due under this article from the purchaser shall be liable for and be assessed with and pay the omitted taxes due.

(d) Upon receipt of a certified omitted tax assessment due under this article, the County Treasurer may undertake immediate collection action for the omitted taxes.

(e) The assessment and payment of omitted taxes under this section shall not be deemed a defense to any criminal prosecution for failure to comply with any of the requirements of this article.
(Ord. of 9-6-1994, § 12-117)

Sec. 12-118. Commissioner of Revenue; other powers and duties.

It shall be the duty of the Commissioner of the Revenue to ascertain the name of every person in the County liable for the collection of the tax levied by section 12-110. The Commissioner of the Revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied, and a copy of such rules and regulations shall be on file and available for public examination in the office of the Commissioner of the Revenue. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this article.
(Ord. of 9-6-1994, § 12-118)

Sec. 12-119. Posting bond or letter of credit.

The Commissioner of Revenue shall require any owner or operator with a record of late filing of the tax returns or of late remittance of the taxes required by this article to annually post a bond with corporate surety payable to the County to insure the owner or operator's faithful performance of the owner or operator's duties to the County under this article. The bond, including the corporate surety thereon, shall be in an amount which is three (3) times the taxes collected or which should have been collected by the owner or operator during the year previous to the bonding, but in no case less than one thousand dollars ($1,000.00). An irrevocable letter of credit from a bank approved by the County Administrator with an expiration date not earlier than one (1) year from the date of issuance in the amount specified in this section and payable to the County may be accepted in lieu of bond.
(Ords. of 9-6-1994, § 12-119; 8-6-1996; 10-7-1997)

Editor's note—Amendment of 10-7-1997 changed the bond minimum requirement from 3 times the quarterly amount to 3 times the annual amount.

Sec. 12-120. Records.

Every owner or operator subject to the requirements of this article shall keep and preserve books of account and complete records of the taxable or claimed exempt transient occupancy charges and the taxes paid under this article for the current year and the three (3) years last past. Such records shall show the price charged with respect to each purchase, the date thereof, the date of payment therefor and the amount of tax imposed under this article. Such records shall be kept open for inspection by the duly authorized agents of the County during regular business hours on business days, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.
(Ord. of 9-6-1994, § 12-120)

Sec. 12-121. Sale or cessation of business.

Whenever any person required to collect and pay to the County a tax under section 12-110, shall quit or otherwise dispose of his business, any tax under the provision of this article shall become immediately due and such person shall immediately make a report and pay the tax due.
(Ord. of 9-6-1994, § 12-121)

Sec. 12-122. Criminal penalties.

(a) Any person who wilfully files a false or fraudulent tax return with intent to defraud the County under the provisions of this article, or who wilfully fails or refuses to file a tax return under the provisions of this article, shall be guilty of a Class 3 misdemeanor if the amount of the tax lawfully due in connection with the return is one thousand dollars ($1,000.00) or less and of a Class 1 misdemeanor if the amount of the tax lawfully due in connection with the return is more than one thousand dollars ($1,000.00).

(b) Violations or failure to comply with any other provisions of this article shall be a Class 3 misdemeanor.

(c) Each day any violation or failure to comply continues shall constitute a separate offense.
(Ord. of 9-6-1994, § 12-122)

Sec. 12-123. Severability.

It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, clauses, sentences, and parts of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder of this article or the application of such provisions to other provisions or circumstances but shall be confined in its application to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered and the person or circumstances involved.

Should any exemption from, lower rate of, or limitation of this tax be declared invalid, illegal, unconstitutional, or void for any reason, such declaration is not intended to affect the taxes imposed by this article, but the transactions found to be wrongfully exempted, limited or subjected to lower tax rate shall become fully subject to this tax to the same extent as if such exemption, attempted exemption or limitation, or lower rate had never been included in this article.
(Ord. of 9-6-1994, § 12-123)

Sec. 12-124. Application of tax.

The transient occupancy tax imposed by this Ordinance shall not apply within the limits of any town located within the limits of Culpeper County where such town now, or hereafter, imposes a town transient occupancy tax, unless the governing body of any such town hereafter provides for application of the County transient occupancy tax within the town limits of any such town located within Culpeper County.
(Ord. of 9-6-1994, § 12-124)

Sec. 12-125. Effective date.

This Article IX shall take effect on October 1, 1996.
(Ords. of 9-6-1994, § 12-125; 8-6-1996)

Editor's note—Amendment of 8-6-1996 extended the effective date to October 1, 1996.

Secs. 12-126—12-135. Reserved.

ARTICLE X. LICENSE TAXES

Sec. 12-136. License tax for suppliers of electric service.

(a) *Definitions.* The following terms shall be defined as follows for the purposes of this section:

Electric Supplier shall mean any corporation, cooperative, partnership, or other business entity providing electrical service to the community.

Electric Utility Consumption Tax shall mean the electric utility consumption tax imposed statewide pursuant to Chapter 29, Title 58.1 of the Code of Virginia, 1950, as amended.

Gross Receipts shall mean gross receipts accruing from sales to the ultimate consumer in the County, as defined in Chapter 37, Title 58.1 of the Code of Virginia, as amended.

Local Consumption Tax shall mean the portion of the electric utility consumption tax established by Chapter 29, Title 58.1 of the Code of Virginia, 1950, as amended, as a local consumption tax in lieu of and replacing the local license tax authorized by section 58.1-3731 of the Code of Virginia, 1950, as amended, to be remitted to the County, pursuant to section 58.1-2901(B), based on the local license fee rate.

(b) Effective January 1, 2000, there is hereby levied upon every electric supplier a license tax at the rate of one-half (½) of one (0.5) percent of the gross receipts of such electric supplier.

(c) The tax imposed pursuant to the electric utility consumption tax and this section shall be collected and remitted pursuant to the provisions and requirements of section 58.1-2901 of the Code of Virginia, 1950, as amended, and the local consumption tax shall be remitted based on the tax imposed pursuant to subsection (b) above.
(Ord. of 10-5-1999)

Editor's note—This section was added so as to ensure that the County receives a fair share of the revenue from the electric utility consumption tax imposed at the state level.

Sec. 12-137. License tax for suppliers of natural gas service.

(a) *Definitions.* The following terms shall be defined as follows for the purposes of this section:

Gross Receipts shall mean gross receipts accruing from sales to the ultimate consumer in the County, as defined in Chapter 37, Title 58.1 of the Code of Virginia, as amended.

Local Consumption Tax shall mean the portion of the natural gas utility consumption tax established by Chapter 29.1, Title 58.1 of the Code of Virginia, 1950, as amended, as a local consumption tax in lieu of and replacing the local license tax authorized by section 58.1-3731 of the Code of Virginia, 1950, as amended, to be remitted to the County, pursuant to section 58.1-2905(C), based on the local license fee rate.

Natural Gas Utility Consumption Tax shall mean the natural gas utility consumption tax imposed statewide pursuant to Chapter 29.1, Title 58.1 of the Code of Virginia, 1950, as amended.

Pipeline Distribution Company or Gas Utility shall mean any corporation, cooperative, partnership, or other business entity providing natural gas service to the community.

(b) Effective January 1, 2001, there is hereby levied upon every pipeline distribution company or gas utility a license tax at the rate of one-half of one (0.5) percent of the gross receipts of such pipeline distribution company or gas utility.

(c) The tax imposed pursuant to the natural gas utility consumption tax and this section shall be collected and remitted pursuant to the provisions and requirements of section 58.1-2905 of the Code of Virginia, 1950, as amended, and the local consumption tax shall be remitted based on the tax imposed pursuant to subsection (b) above.
(Ord. of 11-8-2000)

Editor's note—This section was added so as to ensure that the County receives a fair share of the revenue from the natural gas utility consumption tax imposed at the state level.

Secs. 12-138—12-162. Reserved.

ARTICLE XI. GOING-OUT-OF-BUSINESS SALE PERMITS

Sec. 12-163. Going-out-of-business sales; permit required.

It shall be unlawful for any person to advertise, or conduct, a sale for the purpose of discontinuing a retail business or to modify the word "sale" in any advertisement with the words "going out of business" or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated, unless such person obtains a permit to conduct such sale from the Culpeper County Treasurer.
(Ord. of 11-1-1994, § 12-163)

Sec. 12-164. Violations of article.

Any violation of the preceding section 12-163 shall be punishable as a criminal offense in accordance with § 18.2-223 of the Virginia Code, as may be amended from time to time.
(Ord. of 11-1-1994, § 12-164)

Secs. 12-165—12-174. Reserved.

ARTICLE XII. TAX-EXEMPTIONS BY CLASSIFICATION AND DESIGNATION*

Sec. 12-175. Requests for tax-exempt status.

Pursuant to § 58.1-3651 of the Code of Virginia, 1950, as may be amended from time to time, applicants meeting certain criteria may request the Board of Supervisors (the "Board") to provide for tax-exemption status from real or personal property taxes, or both, either by classification or designation. All requests must be made in writing to the Board of Supervisors, and must be on a form prescribed by the County Administrator. All application questions must be answered completely, and incomplete applications will be returned to the applicant. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction,

***Editor's note—**An ordinance adopted Nov. 3, 2004, amended Art. XII in its entirety to read as herein set out. Former Art. XII, §§ 12-175—12-179, pertained to similar subject matter, and derived from Ord. of April 3, 2001.

race, color, sex, or national origin. The decision to grant tax exempt status is totally within the discretion of the Board. The fee required by section 12-178 must accompany the application.
(Ord. of 11-3-2004(2))

Sec. 12-176. Application forms; information requested.

The application form which may be obtained from the County Administrator's Office, shall contain, at a minimum, a request for the following information:

(1) The name and address of the organization requesting tax-exempt status, including the tax map number for any real property for which the exemption is being requested, the physical location of any tangible personal property for which tax exemption is requested, and the name and telephone number of a contact person for the organization.

(2) Answers to the following questions:

a. Is the organization exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954?

b. Has a current alcoholic beverage license (ABC license) for serving alcoholic beverages been issued to this organization by the Alcoholic Beverage Control Board for use on the property for which tax-exempt status is being requested?

c. Is any director or officer of the organization paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which the director or officer actually renders?

d. Please state the salary and other compensation paid to all directors and officers.

e. Are any part of the net earnings of this organization inuring to the benefit of any individual, and is any portion of the service provided by such organization generated by funds received from donations, contributions or local, state or federal grants? For the purposes of this question, "donations" shall include the providing of personal services or the contribution of in-kind or other material services. If any portion of your answer is in the affirmative, please state all relevant dollar amounts.

f. Does this organization provide services for the common good of the public? If so, please describe the services provided.

g. Do a substantial part of the activities of this organization involve carrying on propaganda, or otherwise attempting to influence legislation, and does this organization participate in, or intervene in, any political campaign on behalf of any candidate for public office?

h. What is the assessed value (estimate if no current assessment) of the real or tangible property for which tax exemption is sought?

i. Will the property which is the subject of this request be open to the public, and under what terms will it be?

j. Has the property which is the subject of this request been recognized in the Historic Resources Chapter of the Culpeper County Comprehensive Plan?

k. Does the property which is the subject of this request produce revenue? If so, how much? Does the organization have one or more properties which produce revenue?

l. Would the applicant be willing to grant an open space/historic/conservation or similar easement over the property which is the subject of this request?

m. Will the organization's tax-exempt status be a fiscal advantage to the County, taking into account all sources of revenue to the County

which may be produced by the property, the organization and those using or visiting the property?

n. Does your organization have any rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin? If your answer is yes, please explain.

o. Any other criteria, facts and circumstances which the applicant feels the Board of Supervisors should consider as pertinent to the application for tax-exempt status for this organization.

(3) A financial statement of the organization for the preceding year.

(Ord. of 11-3-2004(2))

Sec. 12-177. Exemption by classification.

(1) The Board hereby adopts the classifications of the General Assembly as appearing in [Code of Virginia,] Sections 58.1-3606 and 3609 through 3622, as those sections may be amended from time to time.

(2) The Board reserves the right to add to or subtract from the approved categories of classification.

(Ord. of 11-3-2004(2))

Sec. 12-178. Determination of County Administrator.

Completed applications shall be returned to the County Administrator who shall review the application for completeness and whether the information provided: (1) establishes qualification for tax exemption by classification; (2) establishes potential qualification for tax exemption by designation; or (3) fails to establish either. The County Administrator shall forward the application with the Administrator's recommendations in writing to the County Attorney for determination of compliance with this article. Upon determination of compliance by the County Attorney, the County Administrator shall forward a written recommendation to the Board. A copy of the Administrator's written recommendation to the Board shall be provided to applicant.

(Ord. of 11-3-2004(2))

Sec. 12-179. Procedure for tax exemption.

(1) Once the completed application form has been returned to the County Administrator, reviewed as described above, and forwarded to the County Attorney, the County Attorney shall prepare an ordinance which shall be forwarded with the County Administrator's recommendation to the Board for appropriate action on the application. An ordinance should not be prepared and forwarded to the Board for action until the County Administrator and the County Attorney have determined that the applicant has been given a reasonable opportunity to provide all required information. The ordinance can either support or refuse to support such exemption. The ordinance shall be conditioned, if necessary, upon the applicant meeting any commitments in the application and upon the truth of all statements found therein.

(2) The ordinance required by subsection (1) shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The Board of Supervisors shall publish notice of the hearing at least once in a newspaper of general circulation in the County. The notice shall include the assessed value of the real and tangible personal property owned by the organization requesting the exemption as well as the property taxes that either were paid or would have been paid in the most recent years. The public hearing shall not be held until at least five (5) days after the notice is published in the newspaper.

(Ord. of 11-3-2004(2))

Sec. 12-180. Fees.

A fee equal to any publication costs incurred by the County shall be collected from every applicant prior to the Board of Supervisors' consideration of the ordinance set forth in section 12-179.

(Ord. of 11-3-2004(2))

Sec. 12-181. Review of tax-exempt organizations.

In every even-numbered year, the Commissioner of the Revenue or the Commissioner's designee shall review the status of each organization in the County with tax-exempt status, and ask each such organization to complete an application and provide the information described in section 12-176. The Commissioner of the Revenue or the Commissioner's designee shall return all information received and make a report to the Board of Supervisors no later than September 30 of the year of the review.
(Ord. of 11-3-2004(2))

Secs. 12-182—12-189. Reserved.

ARTICLE XIII. PARTNERSHIP FOR ECONOMIC DEVELOPMENT AND JOB TRAINING*

Sec. 12-190. Purpose.

The purpose of this article is to provide financial incentives to eligible businesses that invest at least five hundred thousand dollars ($500,000.00) in new capital improvements in Culpeper County or provide approved training to employees in Culpeper County.
(Ord. of 9-2-2003(2), § 12-180)

Sec. 12-191. Method.

This article will allow eligible businesses to receive reimbursements from the taxes they pay to partially compensate for new investments and job training expenses that businesses incur, on the following bases:

(a) One hundred percent (100%) of new machinery and tool taxes for a period of three (3) years;

(b) Up to fifty percent (50%) of new real and personal property taxes for approved employee training and educational expenses for a period of five (5) years; and,

(c) Up to twenty-five (25%) percent of new real and personal property taxes for approved employee training and educational expenses for an additional five (5) years.

(Ord. of 9-2-2003(2), § 12-181)

Sec. 12-192. Eligibility.

(a) *Investment amount:* As of the effective date of this article, a business that makes a new, business-related expenditure of funds to purchase or improve real or personal property may receive a reimbursement of certain types of taxes paid on that new expenditure up to a ten-year period. To be eligible to receive a reimbursement of taxes under this article, the amount of the expenditure made for new capital improvements must be valued at five hundred thousand dollars ($500,000.00) or more unless otherwise approved by the Board of Supervisors. The Commissioner of Revenue of Culpeper County will make the determination of the value of the expenditure at the time that the property is assessed. For the purpose of establishing the minimum qualifying amount of expenditures under this article, only business-related expenditures that occur within a twelve-month period will be considered. In any event, reimbursement of taxes under this article will not commence until the Commissioner of Revenue has verified the minimum expenditure value and the business has begun paying taxes on that new investment.

(b) *Definition of new investment:* To qualify for the benefits of this article the new investment must be a business-related improvement to real property or the purchase of personal property. The acquisition and use of an existing building, with no or minimal renovations, modifications, expansions, or other improvements to increase the assessed value of the property, will not qualify a business as eligible to benefit from this article. Similarly, the value of the land that is purchased to construct a new building will not be considered a new investment. Only those investments that will result in an increase of assessed value in the property by an otherwise eligible business can be counted as a new investment and be used to determine the minimum investment. With respect to equipment subject to the machine and

*__Editor's note—__An ordinance adopted Sept. 2, 2003, amended the Code by the addition of Art. XIII, §§ 12-180—12-187; however said provisions have been redesignated as 12-190—12-197, at the editor's discretion.

tool tax, the total value of the new equipment shall be used to calculate benefits under this article, notwithstanding the value of equipment taken out of service or sold.

(c) *Business type:* To be eligible to receive a reimbursement of taxes under this article, a business must be defined as one (1) of the eligible Standard Industrial Classification (SIC) Codes contained below. Letters of Incorporation, Internal Revenue Service (IRS) documents, and/or certification of owner(s) will help in determining the business type and eligibility. The Board of Supervisors, in their sole discretion, may add or delete business types as eligible businesses.

Eligible Business
Defined by SIC Code

SIC Code	*Description*
01	Agricultural Crops
02	Agricultural Production Livestock
20-39	Manufacturing—Excluding: 2011, 2013, 2015, 21, 22, 23, 2611, 2621, 2631, 2812, 2813, 2819, 2851, 2861, 2865, 2869, 2873, 2874, 2875, 2879, 2891, 2892, 2895, 2899, 29, 3111, 3292, 3312, 3321, 3322, 3325, 3365, 3366, and 3369
45	Transportation by Air
6082	Foreign Trade and International Banking Institutions
6091	Non-deposit Trust Facilities
6099	Functions Related to Deposit Banking
7371	Custom Computer Programming Services
7373	Computer Integrated Systems Design
7374	Data Processing & Preparation
7375	Information Retrieval
7812-7819	Motion Picture/Video Production and Allied Services
8071	Medical Laboratories
87	Engineering and Management Services—Excluding: 8711, 8712, 8713, 8721, 8741, 8742, 8743, 8744, and 8748
97	National Security and International Affairs

(Ord. of 9-2-2003(2), § 12-182)

Sec. 12-193. Application process.

(a) *Application:* In order to receive the benefits provided by this article, a business must complete and execute an application. The application will be used to determine the preliminary eligibility of a business. The application also contains terms, conditions, and certifications that the business will agree to in order to become and remain eligible to receive the benefits of this article. In the event that there is a conflict between the application and this article, the terms of this article shall prevail.

(b) *Preparation and review:* Applications may be obtained from the Culpeper County Department of Economic Development ("Department"). The Department will assist in the completion of the application. The Department will review a fully completed and executed application. The Department may request additional information and the business shall comply and provide the requested information on a timely basis. Failure to timely provide requested information may, of itself, result in a determination of lack of eligibility.

(c) *Determination:* Upon receipt of a fully completed and executed application and any additional information requested, the Department, with written approval of the County Administrator, will make a determination of eligibility. The Department will inform the business of the determination of eligibility in writing. If the application for benefits under this article would otherwise be determined as ineligible, the Department, with the approval of the County Administrator, may request the Board of Supervisors to consider approving the application. Such requests will only be made when the Department, as approved by the County Administrator, determines that the

benefits of approving the application would have a significant and positive impact on the local economy.

(d) *Appeal:* If the business is denied eligibility by the Department and/or the County Administrator, the business may appeal that determination to the Board of Supervisors. In order to appeal, the business must notify the Clerk of the Board of Supervisors of the appeal in writing within thirty (30) days of the date of the determination notice. The Board of Supervisors may uphold or overturn the denial with or without additional conditions, or return the matter to the Department with directions for additional inquiry. If, upon additional inquiry, the Department, with the approval of the County Administrator, finds eligibility, the Department shall so notify the Board of Supervisors in writing, with a copy to the business. If the Department still does not find the business eligible, the matter shall be returned to the Board of Supervisors, with additional information, and the Board of Supervisors shall make the final determination.
(Ord. of 9-2-2003(2), § 12-183)

Sec. 12-194. Accounting process.

(a) *Commissioner of Revenue:* If a business has been approved under this article, the Department will notify the Commissioner of Revenue and request the Commissioner of Revenue to provide the County's Director of Finance with the following information:

(1) Confirmation of the amount of new investment made by the business that is subject to the rules of this article; and

(2) The date and amount of taxes, by type of taxes paid annually, for a period of ten (10) years by each business that is subject to this article, unless the County informs the Commissioner that the business is no longer eligible to participate in the program.

Eligible taxes, including amount and type paid, shall be separated from ineligible taxes paid which are not subject to the benefits of this article. The business must specifically authorize the Commissioner of Revenue to release information to the County Administrator, the Director of Economic Development, and the Director of Finance, acting as agents of the Commissioner of Revenue, regarding the amount of personal property taxes paid by the business.

(b) *Director of Finance:* Upon notification and confirmation by the Commissioner of Revenue, the Director of Finance shall establish a separate bookkeeping account for each eligible business. Each account shall bear the name and identification number (from the application) of each eligible business. The Director of Finance shall maintain separate account entries in each account relating to the following funds:

(1) One hundred percent (100%) of the machinery and tool tax collected for a period of three (3) years from the date of payment of the first tax payment subject to this article. If the Commissioner of Revenue has indicated that the value of the machinery and tools subject to the machinery and tool tax and this policy exceeded three million dollars ($3,000,000.00), an additional amount of the collected machinery and tool tax shall be deposited into the account. This additional amount of the machinery and tool tax shall be fifty (50) percent of the machinery and tool tax collected in each of the fourth and fifth years from the date of the first tax payment subject to this article.

(2) Fifty percent (50%) of eligible real property and personal property tax collected for a period of five (5) years from the date of payment of the first tax payment subject to this article.

(3) Twenty-five percent (25%) of eligible real property and personal property tax collected for the period of six (6) years to ten (10) years from the date of payment of the first tax payment subject to this article.

(4) For the purpose of accurate accounting, the entries for each account shall differentiate between machinery and tool tax and real and personal property tax.

All other taxes collected and paid to the County by the business shall be distributed and accounted for pursuant to the normal and standard operating procedures of the County.
(Ord. of 9-2-2003(2), § 12-184)

Sec. 12-195. Reimbursement process.

(a) *Request for reimbursement:* Upon payment of the annual taxes for property which is subject to this article, the taxpayer shall submit to the Department, a request for reimbursement (which is available at the Department) (See section 12-193 for determination of eligible training expenses). If the eligible business is leasing property for which it is obligated to pay taxes to the owner, evidence of payment by the Lessee to the Lessor and payment by the Lessor to the County must also be submitted.

(b) *Review:* Upon receipt of the request for reimbursement, the Department, after concurring with the Commissioner of Revenue, will confirm the following:

(1) That the County received the tax payment;

(2) That the tax payer does not have any past-due taxes, liens, charges, fees, or other unpaid obligations, in whole or in part, to the County;

(3) The amount of taxes paid that are subject to the benefits of this article;

(4) The eligibility of the paid training expenses submitted by the taxpayer; and,

(5) The signed request for reimbursement.

The Department, after consulting with the Commissioner of Revenue and the County Finance Director, will make a determination on the amount of reimbursement, if any, the taxpayer should receive under this article. The Department will notify the Department of Finance and the County Administrator, requesting that payment in the amount of eligible reimbursement be made according to the following procedure.

(c) *Limits on reimbursement; carryover; interest:* The tax reimbursement to the business shall be no more than the lesser of: (1) the amount of taxes paid; or (2) the amount of eligible reimbursement as determined under this article and identified by the Director of Finance in a separate bookkeeping account for the business established under this article. The County reserves the right to reimburse the business up to the eligible amount of the last full invoice submitted. No partial invoices will be reimbursed. In the event that the business does not submit a request for reimbursement or submits a valid request for reimbursement that is less than the amount of eligible funds identified for reimbursement, all un-reimbursed funds shall be carried forward in the account for future reimbursements for a period of up to ten (10) years from when the reimbursement funds are identified as eligible. In the event the business submits invoices for reimbursement that exceed the amount of funds identified for reimbursement, the County will reimburse eligible funds up to the maximum amount identified for reimbursement and will continue to reimburse the business from future year funds identified for reimbursement for a period of ten (10) years after the eligible funds are first identified, or until the total eligible funds have been reimbursed. In no event shall the County reimburse taxes paid by the business after the tenth year of taxes paid on the new investment. The County reserves the right to invest any identified, eligible, but unreimbursed taxes under this article and retain any interest earned on the investment.

(d) *Payment procedure:* When eligible reimbursement has been determined and approved for a specific account by the Director of Economic Development, the Director of Finance, and the County Administrator, the County may pay the determined amount to either the Town of Culpeper Industrial Development Authority or the County of Culpeper Industrial Development Authority, which shall promptly pay the determined amount to the business. These payments shall be made pursuant to the authority granted to the County in § 15.2-953B of the Code of Virginia of 1950, as amended (the "Virginia Code"), the authority granted to the respective Industrial Development Authorities ("IDA") in §§ 15.2-4905 (12) and (13) of the Virginia Code, and pursuant to the terms of an agreement between the County and each respective IDA.
(Ord. of 9-2-2003(2), § 12-185)

Sec. 12-196. Eligible training expenses.

(a) *Eligible expenses:* The employee training expenses, including actual training expenses, travel, per diem, and other related costs, incurred under the following circumstances, are eligible for reimbursement under this article:

(1) At a public or private educational institution that is chartered by the state in which it exists, or that receives public funding from the state or locality in which it is located;

(2) At a private training school that is certified by the state in which it exists to offer training, provided the taxpayer submits a copy of the state certification;

(3) Training provided by the supplier, vendor, or seller of machinery or equipment in the use or maintenance of the machinery or equipment, provided that the training expenses are billed separately from the machinery and equipment;

(4) Training, testing, and other expenses necessary for employee(s) to receive government security clearance(s), provided a copy of approval of clearance(s) is provided; or,

(5) Other training that is pre-approved in writing by the Department with the approval of the County Administrator.

(b) *Ineligible expenses:* Unless otherwise specifically approved as eligible training expenses under subsection (a) above, training expenses are to be considered ineligible. Examples of training expenses that will not be approved include in-house training conducted by other employees.
(Ord. of 9-2-2003(2), § 12-186)

Sec. 12-197. Default.

(a) *Ineligibility:* An otherwise eligible business will be considered in default of the terms and conditions of this article and will become immediately ineligible to participate in the benefits of this article if one (1) or more of the following occurs:

(1) The business or the business owner fails to pay, in whole or in part, County and, if applicable, Town taxes, permits, licenses, or other required fees or obligations in full on or before the last day due, prior to any penalties;

(2) The eligible property is sold or otherwise transferred to another business and the buyer either does not complete and execute an application within ninety (90) days of the purchase of the company, or completes and executes the application within ninety (90) days of the purchase and is determined by the Department to be ineligible to participate under this article. In the event that the property is sold and the buyer is determined by the Department to be an eligible business, then the buyer may continue to participate in the program under the original conditions and terms established for the seller;

(3) The company changes its type of business, including closing the business, so that its primary business is no longer defined as an eligible business in subsection 12-192(c);

(4) The company sells or otherwise disposes of the real and/or personal property used to determine the original threshold of investment five hundred thousand dollars ($500,000.00) and the value of the sold or otherwise disposed of property reduces the value of the original investment below the five hundred thousand-dollar ($500,000.00) threshold of eligibility; or,

(5) Violation of any certification contained in the application, request for reimbursement, or other documents signed by the business.

(b) *Transfers:* A primary purpose of this article is to provide a mechanism to improve the skill levels of the Culpeper County workforce. The business must certify that the benefits it receives under this program are for training employees permanently assigned to a Culpeper location. In the event that an employee is transferred, assigned, or relocated to another division, affiliate, or location outside of Culpeper County and the business received a reimbursement for training that employee, the business must notify the Department within thirty (30) days of the relocation.

The amount of reimbursement the business received for training the relocated employee will be deducted from future reimbursements the business would otherwise be eligible to receive. Failure to notify the Department will place the business in default.

(c) *Notification:* If the Department determines the business to be in default of the terms and conditions of this article, the Department will notify the business in writing of the default.

(d) *Appeal:* If the business is determined to be in default by the Department, the business may appeal that determination to the Board of Supervisors. In order to appeal, the business must notify the Board of Supervisors of its appeal in writing within thirty (30) days of the date of the written notification of determination. The Board of Supervisors may uphold the default determination or overturn the default determination, with or without additional conditions.
(Ord. of 9-2-2003(2), § 12-187)

Secs. 12-198, 12-199. Reserved.

ARTICLE XIV. FIRE AND RESCUE SERVICE DISTRICT TAX

Sec. 12-200. Volunteer Fire and Rescue Association.

The Culpeper County Volunteer Fire and Rescue Association is recognized as the coordinating organization of the individually authorized volunteer fire and/or rescue companies. Requests for funding, benefits or any support provided by the County shall come through the association and not from individual companies.
(Ord. of 6-1-2004)

Sec. 12-201. Culpeper County fire and rescue district established.

There is hereby created a Culpeper County fire and rescue district with boundaries that follow the boundaries of Culpeper County, and which fire and rescue district includes all real and personal property located within the boundaries of Culpeper County, a political subdivision of the Commonwealth of Virginia.
(Ord. of 6-1-2004)

Sec. 12-202. Fire and rescue district levy.

The Board of Supervisors may annually levy a tax on the assessed value of all property real and personal within the Culpeper County fire and rescue district, which tax shall be extended and collected in the same manner as real and personal property taxes are extended and collected in the County.
(Ord. of 6-1-2004)

Sec. 12-203. Use of fire and rescue district levy.

The Culpeper County Treasurer shall keep all amounts realized from any levy made pursuant to section 12-202 of this chapter in an account separate from all other monies of the County and such monies shall be applied to no other purpose than the maintenance and operation of fire departments and rescue squads.
(Ord. of 6-1-2004)

Chapter 13

TAXICABS*

Article I. In General

Article II. Certificate of Public Convenience and Necessity

Article III. Driver's License

***Editor's note—**The 11-6-1996 amendment comprehensively amended this chapter.

Cross reference—Motor vehicles and traffic, Ch. 10.

State law reference—Authority of County to regulate taxicabs, Code of Virginia, § 46.2-310.

ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

Unless it appears from the context that a different meaning is intended, the following words and phrases shall, for the purposes of this chapter, have the meanings ascribed to them by this section:

Association: Any group of two (2) or more owners operating taxicabs with a common color scheme or trade name.

Certificate: A certificate of public convenience and necessity granted pursuant to the provisions of this chapter.

Operator or driver: Any person in charge of or operating any taxicab.

Owner: Any person engaging or proposing to engage in the taxicab business or having control of the operation or maintenance of, or collection of the revenues derived from the operation of, any taxicab. This shall be deemed to include any purchaser of such taxicab under a conditional sales contract or other title-reserving agreement.

Passenger: Any person being transported in any taxicab, except a police or fire officer or a bona fide employee of the certificate holder of such taxicab.

Sheriff: The sheriff of the County or any duly authorized agent of the sheriff.

Taxicab: Any motor vehicle, having a seating capacity of six (6) or less, used for the transportation, for hire, compensation or reward, of passengers upon the streets and highways of the County, except busses being operated under franchise and over fixed routes between fixed termini, ambulances and conveyances used in conducting funeral services.

Taxicab business: The business of transporting passengers, for compensation or reward, by taxicab.

Taxicab fleet: A group of two (2) or more taxicabs having a uniform color scheme or having unified control by common ownership or by an association.
(Ords. of 11-6-1964, § 3-3; 11-6-1996)

Sec. 13-2. Purpose of chapter.

In the judgment of the Board of Supervisors, it is deemed necessary, in order to promote and preserve the peace, good order, health and protection of the citizens of the County and their property, that the conduct of the business of operating taxicabs along and over the public highways and streets of the County, for the transportation of passengers for hire and reward, be regulated and controlled.
(Ords. of 11-6-1964, § 3-1; 11-6-1996)

Sec. 13-3. Application of and compliance with chapter.

Every person who undertakes, within the County, to carry passengers for hire by taxicab shall be subject to the provisions of this chapter. It shall be unlawful for any person to operate a taxicab or engage in the taxicab business within the County without complying with the conditions and regulations prescribed in this chapter.
(Ords. of 11-6-1964, § 3-2; 11-6-1996)

Sec. 13-4. Administration of chapter.

The sheriff shall be the agent of the Board of Supervisors for the purpose of administering this chapter.
(Ord. of 11-6-1964, § 3-27)

Sec. 13-5. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.
(Ord. of 11-6-1964, § 3-24)

Cross reference—Penalty for Class 3 misdemeanor, § 1-10.

Sec. 13-6. Identification.

(a) Each holder of a certificate shall have permanently affixed to each taxicab an identifying design or trade name, including the word "taxi," "taxicab" or "cab" and the number of the vehicle, on both sides of the taxicab between the front edge of the front door and the rear edge of the rear door, in Gothic letters and Arabic numerals, at least three (3) inches high and of solid design

lettering and numerals at least three-eighths of an inch in width and in a color contrasting with the background.

(b) Each owner or association shall number his or its taxicabs consecutively beginning with the number "1."
(Ords. of 11-6-1964, § 3-22; 11-6-1996)

Sec. 13-7. Not to be equipped with radios or receiving devices capable of receiving police broadcasts.

It shall be unlawful for any person to operate any taxicab in which there is installed or being carried any radio or receiving device capable of receiving police broadcasts.
(Ords. of 11-6-1964, § 3-21; 11-6-1996)

Sec. 13-8. Inspection; correction of defects.

Any taxicab in the County may be inspected by any law enforcement officer having jurisdiction in the County or any part thereof at any time. The inspection shall be recorded on a form prescribed by the sheriff for this purpose. If such vehicle is found to be unsafe, unclean, unfit or in any other defective condition by the inspecting officer, the vehicle card provided for in section 13-30 shall be removed from the taxicab and delivered to the sheriff or his assigned designee in charge of taxicabs with a written notification on the form prescribed by the sheriff for that purpose, providing an explanation of such defect. The owner shall be notified by the sheriff that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. After such condition has been remedied, the sheriff shall inspect the vehicle and, if such condition has been remedied, the vehicle card shall be returned to the owner. A written record of this temporary removal from service shall be made a part of the sheriff's record for that vehicle card.
(Ords. of 11-6-1964, § 3-12; 11-6-1996)

Sec. 13-9. Required records.

Every holder of a certificate issued under this chapter shall ensure that clear, neat written records, in a form or forms prescribed by the sheriff, shall be maintained. Such records shall include the following:

(1) A master log for each radio-dispatched taxicab, which records: (i) the time of day each taxi is placed into service at the start of the duty day; (ii) each time the taxi is placed out of service, be it for a break, meals, maintenance, operator's personal relief or end of tour; and each time they return to service; (iii) the operator of each vehicle; (iv) the origin, time of origin, name of passenger, destination and time of arrival at the destination of all fare trips made, and the fare charged; and (v) such other information as the Board of Supervisors may require. Taxicab fleets shall maintain a master dispatch log that must correspond with the individual log sheets in each taxi.

(2) A log book in each taxi that must correspond with the records of the dispatcher at all times and reflect the current recorded information, whether radio-dispatched or not.

(3) A fee chart, clearly posted in each taxi and visible to the passenger(s) at all times, which clearly states the fees for transportation services charged by the certificate holder, whether it be by mile, zone or time. A current copy of this fee chart must be clearly posted in the cab stand and a copy filed with the sheriff.

Such records shall be available at all times for inspection by any law enforcement officer having jurisdiction in the County and shall be preserved by the certificate holder for a period of not less than twelve (12) months. No person shall knowingly make a false entry on any record required by this chapter. All entries upon any record shall be made at the time of the event being recorded.
(Ords. of 11-6-1964, § 3-23; 11-6-1996)

Sec. 13-10. Soliciting business in public places.

No person shall solicit patronage for any taxicab, by word, signal or otherwise, on any public street, road or highway or other public place, other than at taxicab stands.
(Ord. of 11-6-1964, § 3-21)

Sec. 13-11. Use for unlawful purposes.

It shall be unlawful for any owner or operator of a taxicab to permit such vehicle to be used for unlawful purposes or to knowingly transport persons therein to places for such purposes. Unlawful purposes include but are not limited to (i) the purchase and/or transportation of alcohol not in the possession of a passenger; (ii) the purchase and/or transportation of controlled substances; (iii) the transportation of or use by prostitutes, for the purpose of prostitution; or (iv) the transportation of passenger for the purpose of soliciting a prostitute.
(Ords. of 11-6-1964, § 3-21; 11-6-1996)

Sec. 13-12. Use of drugs by operator.

(a) At no time shall an operator of a taxicab use alcohol or drugs while operating a taxicab under a certificate of public convenience and necessity issued by the Board of Supervisors, or have used any alcohol or drugs within a six (6) hour time period prior to the operation of a taxicab under such certificate. For the purposes of this section, "drugs" shall mean illegal drugs, and all prescription or non-prescription drugs which carry a warning that the drug may cause drowsiness, may impair the user in the operation of automobiles or machinery, or similar warning.

(b) If any law enforcement officer suspects the operator of a taxicab has used or is using alcohol, the operator shall submit to a field alcosensor test when requested to do so by such officer. If the reading of the field alcosensor is .02 or higher, the taxicab driver's license ("face card") shall be confiscated at that time, the vehicle placed out of service, and the owner notified as soon as possible in order to deliver any passengers to their destination, even if another taxicab or taxicab owned by another taxicab business has to be dispatched to do so. The delivery of the passenger shall be at the expense of the owner of the taxicab whose driver has been placed out of service. The driver and/or owner of the taxicab will receive written notification with an explanation of such removal on the form prescribed by the sheriff for this purpose.
(Ords. of 11-6-1964, § 3-21; 11-6-1996)

Sec. 13-13. Accepting additional passenger when engaged.

Whenever any taxicab is occupied by a passenger, the operator shall not permit any other person to occupy such vehicles, if the original passenger objects thereto, with the exception of a trainee driver being accompanied by an instructor driver, in which case a taxicab driver's license ("face card") must be displayed for each.
(Ords. of 11-6-1964, § 3-21; 11-6-1996)

Sec. 13-14. Accident reports.

Regardless of how slight an accident may be, every accident in which any taxicab is involved shall be reported to the sheriff's department orally as soon as practicable after the accident and in written form no later than forty-eight (48) hours after the accident. The driver of the taxicab or the holder of the certificate under which the taxicab is operated shall submit the report on the form(s) prescribed by the sheriff for this purpose.
(Ords. of 11-6-1964, § 3-20; 11-6-1996)

Sec. 13-15. "Out of service" signs.

The certificate holder shall be responsible for placing, on the right front sun visor of each taxicab, a sign, printed in clear letters, no less than three (3) inches tall and contrasting to the background on which they are written, which reads "OUT OF SERVICE." The certificate holder shall require and ensure that each operator display the same when out of service.
(Ord. of 11-6-1996)

Sec. 13-16. Maximum occupancy.

No taxicab shall be occupied by more persons than recommended as the maximum occupancy by the vehicle's manufacturer.
(Ord. of 11-6-1996)

Sec. 13-17. Fees.

No passenger may be charged a fee in excess of those set forth on the fee chart required in section 3-19.
(Ord. of 11-6-1996)

Secs. 13-18—13-24. Reserved.

ARTICLE II. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 13-25. Required.

It shall be unlawful for any person to engage in the taxicab business within the County, unless he has a certificate of public convenience and necessity issued pursuant to the provisions of this article.
(Ord. of 11-6-1964, § 3-2)

Sec. 13-26. Application.

(a) Application for a certificate under this article shall be made in duplicate and notarized under oath by the owner or proposed owner to the Board of Supervisors through the sheriff. Such application shall be on a form prescribed by the sheriff for this purpose and contain all relevant information on the qualification of the applicant(s) including, but not limited to the following:

(1) The full name and home and business address of the applicant. If the applicant is a corporation, a certified copy of the articles of incorporation shall be attached to the application.

(2) The trade name under which the applicant does or proposes to do business.

(3) The financial ability and responsibility of the applicant, including a copy of the applicant's credit history and the names, addresses and phone numbers of three (3) references. At least one (1) of these references shall be a financial or banking officer. If the applicant is a corporation, the credit history of the officers and directors is required.

(4) The number of vehicles to be operated and the make, type, year of manufacture, vehicle identification number, seating capacity, design and color scheme of each vehicle.

(5) The character and location of depots, terminals and stands to be used.

(6) Each conviction, plea of guilty or nolo contendere for the violation of any criminal or traffic law, whether such violation is of an ordinance, state law or federal law, by the applicant, or if the applicant is a corporation, by each of the officers of the corporation, along with a copy of the applicant's criminal and driving records for the previous five (5) years. If the applicant is a corporation, the criminal and driving records of the officers and directors is required.

(7) The specific experience of the applicant in the transportation of passengers for hire.

(8) All acts or circumstances upon which the applicant bases his belief that public convenience and necessity require the granting of the certificate.

(9) Such other pertinent information as the Board of Supervisors may require.

(10) A release allowing the sheriff to investigate the applicant's entire background, including without limitation the applicant's criminal and credit histories and driving record, and to release the application and all relevant information to the Board of Supervisors, the County Administrator and the County Attorney. The applicant's criminal and credit histories and driving record shall be considered confidential, privileged personal information and shall not be released to the general public.

(b) The application provided for in this section shall be filed with the sheriff at least forty-five (45) days prior to the regular Board of Supervisors meeting at which such application is to be acted upon, thus allowing time for the sheriff to investigate the background of the applicant(s).

(c) Each application filed under this section shall be accompanied by a non-refundable fee in the amount of two hundred fifty dollars ($250.00).

Such fee shall be collected by the sheriff and promptly paid over to the Treasurer of the County for deposit in the general fund of the County.
(Ords. of 11-6-1964, §§ 3-4—3-6; 11-6-1996; 5-2-2000)

Editor's note—The ordinance of 5-2-2000 amended subsection (c) to set the application fee at two hundred fifty dollars ($250.00).

Cross reference—Fees for certificates not affected by Code or ordinance adopting Code, § 2-2.

Sec. 13-27. Investigation and report by Sheriff.

Upon the filing of any application under this article, it shall be the duty of the Sheriff to promptly make an investigation regarding the qualifications of the applicant to conduct a taxicab business. The investigation shall include, but not be limited to, a criminal history check, driver's record check, financial and credit history, and general character and reputation. The Sheriff shall make his report and recommendation in writing and provide a complete copy of the application to the Board of Supervisors at least ten (10) days before the meeting at which the application is to be acted upon. The Sheriff shall provide the applicant(s) a copy of such report and recommendation at the same time as he provides the Board of Supervisors. The Sheriff shall attend the meeting of the Board of Supervisors to comment and answer questions regarding his report and recommendation.
(Ords. of 11-6-1964, § 3-7; 11-6-1996)

Sec. 13-28. Determination of public convenience and necessity.

(a) The Board of Supervisors shall determine whether the public convenience and necessity require the operation of the taxicabs for which an application has been filed under this article. All information provided by the applicant and the sheriff may be considered, and all factors and qualifications bearing on this determination may be considered, including but not limited to the following:

(1) The adequacy, efficiency and safety of taxicab and other forms of service for the transportation of passengers already in existence.

(2) The probable performance and quality of the services offered by the applicant.

(3) The financial ability, character, qualification and responsibility of the applicant, including without limitation the credit histories submitted with the application.

(4) The number and character of vehicles and the character and location of depots, terminals and stands proposed to be used.

(5) The experience of the applicant in the transportation of passengers for hire in taxicabs.

(6) The criminal and driving records submitted with the application.

(b) The burden of proof shall be upon the applicant(s) to establish that the public convenience and necessity require the operation of the taxicabs designated in the application and all other facts required for the granting of the application.
(Ords. of 11-6-1964, §§ 3-8, 3-9; 11-6-1996)

Sec. 13-29. Grant or denial.

(a) The Board of Supervisors shall have the authority to grant a certificate as applied for, or to grant a certificate for a lesser number of vehicles than that specified in the application, or to deny the application, in the exercise of sound discretion, after consideration of factors and information determined to be relevant by the Board.

(b) The Board of Supervisors shall act with reasonable promptness, either in granting or denying each application for a certificate under this article. In case of a denial, it shall forthwith transmit written notice thereof to the applicant by registered or certified mail. The applicant may, within ten (10) days after receiving notice of denial of his application for all or any part of his taxicabs, appeal to the Culpeper County Circuit Court by filing a petition asking for the Board's decision to be overturned. The applicant is responsible for filing the appeal with the Culpeper County Circuit Court and for providing a copy of the appeal to the Clerk to the Board of Supervi-

sors within the ten (10) day period. The decision of the Board of Supervisors shall be upheld unless proven to be arbitrary and capricious.
(Ords. of 11-6-1964, §§ 3-10, 3-25; 11-6-1996)

Sec. 13-30. Vehicle cards.

(a) For each taxicab covered by a certificate, a vehicle card which describes the company name, owner(s), location of business, vehicle make, model, color, vehicle identification number, seating capacity, and insurance carrier shall be issued, in such form as the sheriff may prescribe. The vehicle card is the property of the County and is not transferrable. If a taxicab is no longer used as a taxicab by the owner named on the vehicle card, the vehicle card shall be returned to the sheriff. Whenever the taxicab is replaced, a new vehicle card shall be issued. This new vehicle card shall carry the same taxicab number as the discarded taxi and the vehicle identification number, make, model, year, and other information for the replacement taxicab as required in this section.

(b) The vehicle card shall be displayed, at all time while the vehicle is in service, either en route to receive passengers, while transporting passengers, en route back to the cab stand, or while at a taxicab stand, in a conspicuous place in the vehicle for which it is issued.
(Ords. of 11-6-1964, § 3-11; 11-6-1996)

Sec. 13-31. Terms.

Every certificate issued under this article shall be in force from the date of issuance until revoked or suspended. However, it shall be the responsibility of the certificate holder to provide the sheriff bi-annual reports, on or before April 1 and October 1 of each year, containing the following information:

1) A complete list of all taxicabs operated under the current certificate, including the make, model, year, color, taxicab number and vehicle identification number of each.

2) A current list of all drivers, including their driver's license numbers, expiration date of each, and taxicab driver's license ("face card") identification numbers.

3) A copy of all current insurance policies in force at that time.

4) A copy of the names of all owners, stockholders, officers, and directors of the business.

5) A copy of the certificate holder's criminal and driving records and credit history since the grant of the certificate or the last bi-annual report, whichever is later. If the certificate holder is a corporation, the criminal and driving records and credit history of the officers and directors is required.

(Ords. of 11-6-1964, § 3-10.1; 11-6-1996)

Sec. 13-32. Addition or substitution of vehicles.

(a) After the issuance of a certificate under this article, the Board of Supervisors may, in its discretion and upon proper application, authorize the addition or substitution of vehicles to or on such certificate. Application for such addition or substitution shall be made in writing on request forms prescribed by the sheriff for this purpose and accompanied by a fee in such amount as is prescribed, from time to time, by the Board of Supervisors. Such fee shall be collected by the sheriff and disposed of as provided in section 13-26(c). No part thereof shall be returned to the applicant.

(b) Any vehicle substituted or added as a taxicab prior to submission of a request form and approved by the Board of Supervisors, shall be deemed an unapproved vehicle and the certificate holder shall be guilty of a violation of this chapter.
(Ord. of 11-6-1964, § 3-5; Ord. of 11-6-1996)

Cross reference—Fees not affected by Code or ordinance adopting Code, § 2-2.

Sec. 13-33. Revocation or suspension.

(a) Any certificate issued under the provisions of this article may be revoked or suspended by the Board of Supervisors for any of the following causes:

(1) Failure to operate the taxicabs specified in the certificate (or other vehicles properly substituted therefore) in such a manner as to serve the public properly.

(2) Failure to maintain taxicabs in good order and repair.

(3) Repeated violations of traffic and safety ordinances and laws by drivers and/or other bona fide employees of the certificate holder.

(4) Failure to report any accident, however slight, as required by section 13-14.

(5) Failure to comply with the provisions of this chapter.

(b) If the sheriff has knowledge of the existence of any of the grounds specified in this section, he shall notify the Clerk to the Board of Supervisors by written report of the alleged violations at least twenty (20) days prior to a meeting of the Board of Supervisors, requesting a hearing at such meeting for the revocation or suspension of the certificate.

(c) Before a certificate of public convenience and necessity is revoked or suspended under this section, the Clerk to the Board of Supervisors shall give notice to the holder, by certified or registered mail, not less than five (5) days prior to the next meeting of the Board; that a hearing will be held at such meeting to determine whether or not his or her certificate should be revoked or suspended. The notice shall include the sheriff's report of the alleged violations. After such hearing, the Board of Supervisors may revoke or suspend such certificate by transmitting written notice of such revocation or suspension to the certificate holder by registered or certified mail. The certificate holder may, within ten (10) days after receiving notice of revocation or suspension of his certificate, appeal to the Culpeper County Circuit Court by filing a petition asking the circuit court to overturn the Board of Supervisors' decision. The certificate holder is responsible for filing the appeal with the Culpeper County Circuit Court and for providing a copy of the appeal to the Clerk to the Board of Supervisors. The decision of the Board of Supervisors shall be upheld unless proven to be arbitrary and capricious.

(Ords. of 11-6-1964, § 3-10.2; 11-6-1996)

Sec. 13-34. Voluntary cessation of operations.

If the holder of a certificate wishes to cease operation of a taxicab business, the holder shall provide written notice to the Clerk to the Board of Supervisors that the holder wishes to cease operation of the taxicab business for which a certificate has been issued under this chapter. On the date indicated in the notice, or on the date of the notice if no date is indicated, the holder's certificate of convenience and necessity shall automatically be revoked.

(Ord. of 11-6-1996)

Secs. 13-35—13-43. Reserved.

ARTICLE III. DRIVER'S LICENSE

Sec. 13-44. Required.

No person shall drive or operate a taxicab within the County, without first obtaining and having possession of a valid taxicab driver's license ("face card") issued pursuant to this article, which shall be in addition to any other license required of such person.

(Ords. of 11-6-1964, § 3-13; 11-6-1996)

State law reference—Authority of County to license taxicab drivers, Code of Virginia, § 46.1-353.

Sec. 13-45. Application generally.

Application for a taxicab driver's license shall be made in writing, and notarized under oath, to the sheriff on a form prescribed by the sheriff for this purpose and shall contain, but not be limited to, the following:

(1) The full name, present address and previous addresses and places of employment of the applicant.

(2) The applicant's age, place of birth, sex, race, height and weight and the color of the applicant's eyes and hair.

(3) Whether or not the applicant is in good physical condition.

(4) Whether or not the applicant has good hearing and good eyesight.

(5) Whether or not the applicant uses, or has used within the past five (5) years, intoxicating liquors, drugs or any other form of narcotic, prescription or non-prescription, and if so, to what extent.

(6) Whether or not the applicant has ever been convicted of, pled guilty to or entered a plea of nolo contendere to, the violation of any city, town, County, state or federal or other criminal or traffic law or ordinance and, if so, the number of times and the kind of offenses, a copy of the applicant's criminal and driving records and such other information as may be required by the Board or the sheriff.

(7) Whether or not the applicant has previously been employed or licensed as a driver or chauffeur and, if so, whether or not his license has ever been suspended or revoked for any reason.

(8) What experience, if any, the applicant has had in the operation of motor vehicles.

(9) A release allowing the sheriff to investigate the applicant's entire background, including without limitation the applicant's criminal history and driving record. The applicant's criminal history and driving record shall be considered confidential, privileged personal information and shall not be released to the general public.

(Ords. of 11-6-1964, § 3-14; 11-6-1996, 5-2-2000)

Editor's note—The amendment of 5-2-2000 removed the Board of Supervisors from the initial application process.

Sec. 13-46. Applicant's fingerprints.

Each applicant for a taxicab driver's license shall have his fingerprints taken at the sheriff's office, which fingerprints shall constitute a part of his application.

(Ord. of 11-6-1964, § 3-14)

Sec. 13-47. Applicant's photograph.

Each applicant for a taxicab driver's license shall file with his or her application a current photograph of the applicant, which shall become a part of the application. Upon approval of a taxicab license by the Board, two (2) photographs will be taken by the sheriff, one (1) to be attached to the taxicab driver's license ("face card"), and one (1) to be placed in the applicant's file.

(Ords. of 11-6-1964, §§ 3-13.1, 3-15; 11-6-1996)

Sec. 13-48. Fees.

The non-refundable fees to be paid by the applicant for an application form, fingerprinting and the issuance and renewal of licenses under this article shall be in the amount of one hundred dollars ($100.00). Such fees shall be collected by the sheriff and promptly paid over to the Treasurer of the County, for deposit in the general fund of the County.

(Ords. of 11-6-1964, § 3-17; 11-6-1996; 5-2-2000)

Editor's note—The ordinance of 5-2-2000 set the application fee at one hundred dollars ($100.00).

Cross reference—Fees not affected by Code or ordinance adopting Code, § 2-2.

Sec. 13-49. Issuance or refusal.

(a) Upon the receipt of an application for a taxicab driver's license, the sheriff shall conduct a background investigation regarding the qualifications of the applicant, including but not limited to all past criminal and driving records. Within a reasonable period of time thereafter, not to exceed thirty (30) days, the sheriff shall complete an investigation and make a determination whether he is willing to issue the applicant a taxicab driver's license.

(b) If the sheriff finds that the applicant is duly qualified, of good moral character and at least eighteen (18) years of age, he shall issue him or her a license. If the sheriff is not satisfied as to the qualification and fitness of the applicant, he shall refuse to issue such license. The sheriff shall notify the applicant of his decision in writing.

(c) The applicant may, within ten (10) days after receiving notice of denial of his application for a taxicab drivers license, appeal to the Culpeper County Board of Supervisors in writing, on a form prescribed by the sheriff, asking that the sheriff's decision be overturned. The applicant is responsible for filing the appeal with the Clerk to the Board of Supervisors and for providing a copy of the appeal to the sheriff within the ten (10) day period. The appeal form shall be signed by the applicant and shall permit the sheriff to release the application and all relevant information to the Board of Supervisors, the County Administrator, and the County Attorney. If the Board of Supervisors finds that the applicant is duly qualified, of good moral character and at least eigh-

teen (18) years of age, it shall overturn the decision of the sheriff and issue the license. The decision of the Board of Supervisors regarding the appeal of the denied application for a taxicab drivers license shall be final and unappealable.
(Ord. of 11-6-1964, § 3-16; Ord. of 11-6-1996; 5-2-2000)

Editor's note—The ordinance of 5-2-2000 amended this section so as to give the sheriff the initial decision-making authority, and added subsection (c) regarding appeal to the Board of Supervisors and the finality of that appeal.

Sec. 13-50. Contents.

Each taxicab driver's license ("face card") shall bear a number and shall contain, but not be limited to, the name, home address, business address, employer, photograph and signature of the licensee, and the dates of issue and expiration of the license. The license shall not be valid without the sheriff's signature.
(Ord. of 11-6-1964, § 3-16; Ord. of 11-6-1996)

Sec. 13-51. Display.

(a) It shall be unlawful for any person to drive or operate a taxicab in the County, while the taxicab is in service, unless the taxicab driver's license ("face card") issued to him under this article is displayed in a conspicuous place in the taxicab.

(b) It shall be unlawful for any person to display more than one (1) taxicab driver's license at the same time in any one (1) taxicab, except as required in section 13-13, or to permit one's taxicab driver's license to be displayed by another.
(Ords. of 11-6-1964, §§ 3-13.1, 3-16; 11-6-1996)

Sec. 13-52. Not transferable.

No taxicab driver's license shall be transferable.
(Ord. of 11-6-1964, § 3-16)

Sec. 13-53. Term.

Each license issued under the provisions of this article shall be valid for two (2) years from the date of issuance until the fifteenth (15^{th}) day of April in the next odd-numbered year, unless sooner suspended, revoked or voided under the provisions of this article. All applications for renewal should be submitted to the sheriff on or before the first (1^{st}) day of March in the year of expiration in order to allow sufficient time to renew the taxicab driver's license before it expires on the fifteenth (15^{th}) day of April. The sheriff shall notify all holders of a taxicab driver's license in writing of the March 1 deadline.
(Ords. of 11-6-1964, § 3-18; 11-6-1996; 5-2-2000)

Editor's note—The ordinance of 5-2-2000 modified the term of a taxicab drivers license so that it is valid for two (2) years, and set up a uniform renewal date and process.

Sec. 13-54. Automatic voiding.

A taxicab driver's license shall automatically become void and shall be immediately surrendered by him to the sheriff upon his conviction of, or a plea of guilty or nolo contendere to, a violation of any city, town, County, state, federal or other criminal law or ordinance involving a felony or moral turpitude, or if the taxicab driver has had his department of motor vehicles driver's license revoked or suspended.
(Ords. of 11-6-1964, § 3-19; 11-6-1996)

Sec. 13-55. Suspension or revocation.

The Board of Supervisors shall have the power to suspend or revoke any taxicab driver's license after notice and an opportunity to be heard, for any of the following causes:

(1) Repeated violations of traffic and safety laws or ordinances.

(2) Operation of any taxicab known to the driver not to be in good order or repair.

(3) Conviction of more than one (1) moving violation which occurred within any three hundred sixty-five-day period.

(4) Violation of any provision of this chapter.

Upon suspension or revocation of any taxicab driver's license, such license shall be immediately surrendered to the sheriff.
(Ords. of 11-6-1964, § 3-19; 11-6-1996)

Chapter 13A

TRADESMEN CERTIFICATION

Sec. 13A-1. Title.

This chapter may be known and referred to as the "Culpeper County Tradesmen Certification Standards."
(Ord. of 8-6-1991)

Sec. 13A-2. Enforcement of standards.

(a) The Culpeper County Building Department is hereby designated to act as the enforcing agency for the enforcement of the Virginia Tradesmen Certification Standards, duly adopted by the Virginia Board of Housing and Community Development under authority of the Code of Virginia. Enforcement shall be according to the terms of this chapter.

(b) The enforcement of the Virginia Tradesmen Certification Standards shall be instituted by the Culpeper County Building Department in accordance with the provisions of the Virginia Tradesmen Certification Standards.
(Ord. of 8-6-1991)

Sec. 13A-3. Fees.

Every person making application for examination pursuant to this chapter shall pay a fee to be established by separate resolution. Application fees paid pursuant to this chapter shall not be refunded to either successful or unsuccessful applicants.
(Ord. of 8-6-1991)

Sec. 13A-4. Appeals.

The Culpeper County Board of Building Code Appeals is hereby designated as the appeals board arising from the application or interpretation of the Tradesmen Certification Standards.
(Ord. of 8-6-1991)

Sec. 13A-5. Administrative procedures.

The Culpeper Building Department shall establish such procedures or requirements as may be necessary for administration and enforcement of this chapter. The procedures are to be approved by the Board of Supervisors.
(Ord. of 8-6-1991)

Sec. 13A-6. Violations and penalties.

It shall be unlawful for any person, firm or corporation, on or after the effective date of this chapter, to violate any provision. Any such violation shall be deemed a misdemeanor, and any person, firm or corporation convicted of a violation shall be punished by fine of not more than five hundred dollars ($500.00).
(Ord. of 8-6-1991)

Sec. 13A-7. Exemption.

Eligibility for exemption will be determined by an administrative process separate from the chapter.
(Ord. of 8-6-1991)

Chapter 14

SANITARY REGULATIONS*

Article I. In General

Article II. Alternative Treatment Systems

Article III. On-Site Septic Systems

Article IV. Water Supply

***Editor's note—**An ordinance adopted May 4, 2004, amended Ch. 14 in its entirety to read as herein set out. Former Ch. 14, §§ 14-1—14-16, 14-20—14-26, 14-30—14-36, 14-40—14-49, pertained to similar subject matter, and derived from Ord. of April 3, 1990, §§ 14-1—14-16, 14-30—14-36, 14-40—14-48; Ord. of Sept. 1, 1992, §§ 14-20—14-26; and Ords. of Nov. 8, 2000; May 1, 2001; March 3, 1998; and May 1, 2001.

ARTICLE I. IN GENERAL

Sec. 14-1. Title.

This chapter shall be known and may be cited as the "Sanitary Code of Culpeper County, Virginia".
(Ord. of 5-4-2004(3))

Sec. 14-2. Statement of intent.

The purpose of this chapter is to set forth guidelines and provisions for water supply and sewage disposal systems in the County. These disposal systems are the largest potential contributor to contamination of surface and ground water in rural Virginia. These regulations are intended to provide protection for Culpeper County residents who depend on groundwater for the primary source of domestic water consumption. The regulations will ensure that only reliable systems are implemented, that they are utilized in appropriate areas, and that they are properly maintained for the protection of County surface and ground water resources. These regulations also address water systems as they apply to subdivisions in the County. The regulations are promulgated for the protection of public health and shall be in conformance with specifications of the Virginia Department of Health and State Water Control Board for public and private sewer and water systems, including, but not limited to the following regulations as amended or superceded: Sewage handling and Disposal Regulation 12 VAC 5-610-10 et seq.; alternative discharging systems shall conform to the Virginia Department of Health Regulations 12-VAC-5-640-10 and 12-VAC-5-581 Sewage Collection and Treatment Regulations, and the State Water Control Board NPDES Permit program for public and private sewer; Public Water and Distribution systems shall conform to Virginia Department of Health Water Works Regulations 12-VAC-590; and private wells shall conform to the Private Well Regulations, 12-VAC-5-630.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-3. Definitions.

For the purposes of this chapter, words and phrases shall be interpreted as defined in the applicable state regulations noted in section 14-2, above. Central or centralized water system shall mean a water supply source and distribution system serving two or more dwellings or structures intended for human occupation which are located on separate parcels.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-4. Application of and responsibility for compliance with chapter.

(a) The requirements of this chapter shall apply to all new wastewater and water supply systems, both private and public, and they shall also apply to replacements of or additions to existing systems.

(b) Building and excavation contractors, plumbers, well diggers, well drillers, and any person making installations or repairs to existing systems shall be responsible for compliance with this chapter, as well as any person for whom such installation or repairs are being made.
(Ord. of 5-4-2004(3))

Sec. 14-5. Violations of chapter.

Unless otherwise specifically provided, any person who shall violate or neglect, fail or refuse to comply with any provision of this chapter shall be guilty of a Class I misdemeanor and, upon conviction thereof, be subject to a fine of not less than twenty-five dollars ($25.00), nor more than one thousand dollars ($1,00.00) or imprisonment not to exceed twelve (12) months, or both.
(Ord. of 5-4-2004(3))

Sec. 14-6. Approved sewage disposal systems required.

It shall be unlawful for any person to use or occupy or allow to be used or occupied any house or other residential, commercial or industrial structure, public or private, which will be used for human habitation, employment or occupancy unless such structure is equipped with an approved method of sewage disposal. Any structure lacking such facilities, which preceded this chapter, may not undergo a change or an expansion in use nor an expansion of structure without providing the property with adequate sanitation facilities.
(Ord. of 5-4-2004(3))

Sec. 14-7. Inspection of sewage disposal systems.

The Culpeper County Health Department is authorized to inspect any sewage treatment or disposal system or water supply system which is maintained in the County for the purpose of determining if such systems are operating properly. Having been provided reasonable notice under the circumstances, it shall be unlawful for anyone claiming an interest in the premises to refuse to allow such inspections upon request at reasonable times. In addition, County development officials or authorized agents thereof have the same rights of inspection.
(Ord. of 5-4-2004(3))

Sec. 14-8. Guaranty of sewage treatment systems.

Any permit issued by the County Health Department for any treatment system is recognized as an approval for installation of said system. Any change in use of the site or alteration of the conditions under which the permit was issued may render the permit void. It is the responsibility of the system owner or subsequent owner to maintain, repair or replace any system which becomes substandard for any reason or fails to operate in accordance with the performance standards of the permit.
(Ord. of 5-4-2004(3))

Sec. 14-9. Final subdivision plat approval requirements.

The final record plat of any lot which is approved for use with a central sewer and/or water system must contain one (1) or more of the following notes when applicable:

(1) Lot subject to central water system.

(2) Lot subject to private central wastewater treatment system.

(3) Lot subject to public central wastewater treatment system.

(Ord. of 5-4-2004(3))

Sec. 14-10. Supervision of and general requirements for public systems.

Any centralized water supply systems not supervised by the State Board of Health shall be supervised by the County Health Department. This supervision shall encompass both the source of water and the distribution system. The source of water shall consist of an approved Class I or Class II well. The distribution system shall be of a design to meet current state standards as prescribed in regulations of the State Board of Health promulgated pursuant to 32.1-170 of the Code of Virginia. Public water supplies shall also meet the current drinking water standards of the United States Environmental Protection Agency and the Commonwealth of Virginia in effect at the time approval is requested.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-11. Misuse or neglect of system.

It shall be unlawful for any owner or any tenant or lessee of any premises properly supplied with a potable water system, private or public, to misuse or neglect the same so as to allow it to become unsafe.
(Ord. of 5-4-2004(3))

Secs. 14-12—14-14. Reserved.

Sec. 14-15. Prerequisite to obtaining building permit.

It shall be unlawful for any person to obtain a building permit in the County until such time as that person has a permit from the County Health Department or the State Health Commissioner, where applicable, for the construction of a water supply or wastewater system, where such a permit is required. In those instances where the applicant shall connect to an existing public or centralized supply, he shall obtain from the owner of such supply a letter of intent which shows that the system is safe and adequate and will be made available.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-16. Fees.

Fees may be set from time to time by the Culpeper County Board of Supervisors to assist in implementation of this chapter. Some or all of these fees may be collected by the County Health Department.
(Ord. of 5-4-2004(3))

Sec. 14-17. County water and wastewater plans.

(a) The County or its Water and Sewer Authority ("WSA") may from time to time establish sewer and/or water districts or approve plans identifying service areas for sewer and water development or extension. Where such plans or districts exist, proposed private water and wastewater systems shall be consistent with the designated areas and require the review and approval of the Board of Supervisors, as provided for in the Culpeper County Zoning Ordinance or regulations of this WSA, whichever is applicable. No such system shall be approved without a determination of consistency with adopted plans and districts and are expressly prohibited in other portions of the County.

(b) All centralized or public water and wastewater systems in the County, shall have a designated service area as part of the permit and approval process. On-site wells and on-site treatment systems (septic and others) may be prohibited within designated service areas of approved water or wastewater facilities.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-18. Reserved.

ARTICLE II. ALTERNATIVE TREATMENT SYSTEMS

[Sec. 14-19. Applicability of article.]

The regulations contained in this article apply to all sewer treatment plants, package plants, special design systems, etc., which are to be utilized by any individual, commercial, or industrial site, any individual development or subdivision, and any single lot or existing structure. The regulations contained herein do not apply to any municipally owned, contracted or operated systems. For the purposes of this article, the term "alternative treatment system" or "alternative system" shall mean any discharging package treatment system or sewage treatment plant, and any special design system, discharging or non-discharging other than traditional on-site septic systems and systems accepted as generally approved or conventional by the Virginia Department of Health. All provisional or experimental systems shall be considered "alternative treatment systems".
(Ord. of 5-4-2004(3))

Sec. 14-20. Suitable locations for alternative treatment systems.

Alternative treatment systems are restricted to use as follows:

(1) Where a system is proposed to serve a major subdivision, which is determined by the Planning Commission, to be part of a village center as designated by the Culpeper County Comprehensive Plan, subject to issuance of a use permit in accordance with article 17 of the Zoning Ordinance.

(2) In no case will an alternative system be approved for a minor subdivision. The Zoning Administrator may waive this limitation in the case of family divisions, or refer family division requests to the Planning Commission and the Board of Supervisors through the use permit process.

(3) Where an existing lot of record has a failing drainfield or is otherwise unbuildable, an individual system may be utilized. Existing hardship conditions must be verified by the County Health Department and approved by the Zoning Administrator, demonstrating that no reasonable alternative exists. Any existing lot which was approved as "unbuildable" shall not be eligible.

(4) Where a single system is proposed to serve a commercial, industrial, institutional or community/public use, subject to issuance of a use permit in article 17 of the Zoning Ordinance.

(Ord. of 5-4-2004(3))

Sec. 14-21. Justification of the use of alternative treatment systems.

(a) Alternative treatment systems may be utilized for commercial and industrial purposes, where appropriate, based on the Comprehensive Plan and other guidelines set forth in this chap-

ter. Such a use is subject to Planning Commission consideration through use permit and site plan review.

(b) Alternative treatment systems may be used to serve new major subdivisions only in areas designated by the Culpeper County Comprehensive Plan as appropriate for significant development as noted in subsection 14-20(1) above. All discharging treatment systems are prohibited in the designated Lake Pelham-Mountain Run Lake Watershed.

(c) Alternative systems shall be located outside of any floodplain and shall not be located in areas where surface water quality would be compromised.

(d) In all cases, it must be shown that the use of such a system will not compromise the quality of surface or ground water in the area. In addition, the level of development must warrant the utilization of an alternative system.

(e) In some instances, when systems are proposed as per section 14-20 above, a use permit subject to the regulations outlined in article 17 of Appendix A, Zoning Ordinance shall be required. Such use permits are also subject to any other limitations found in Appendix A of this Code. Alternative systems (non-discharging) may be utilized to repair a failing septic system without being subject to article 17. Additionally, systems which would serve only a single family dwelling in accordance with subsection 14-20(3) and systems to serve family divisions in accordance with subsection 14-20(2) can be approved administratively by the Zoning Administrator, through issuance of a zoning permit.
(Ord. of 5-4-2004(3))

Sec. 14-22. Proposed systems to meet minimum design criteria.

All waste disposal systems must be in compliance with Virginia Department of Health and Virginia Department of Environmental Quality Regulations.
(Ord. of 5-4-2004(3))

Sec. 14-23. Construction of treatment systems requiring discharge into state waters.

(a) Any commercial or industrial alternative treatment system will not be considered by the Planning Commission or by the Board of Supervisors until the proper permits have been secured by the State Water Control Board or other authorizing state agency.

(b) Any major subdivision proposal which involves an alternative treatment system will not be considered by the Planning Commission or by the Board of Supervisors until the proper permits have been secured from the State Water Control Board of authorizing state agency.
(Ord. of 5-4-2004(3))

Sec. 14-24. Expiration of approvals.

Any proposal for a wastewater treatment system which is approved through the processes of this chapter must be acted upon in a timely manner. If construction permits have not been obtained and work begun within three (3) years, approvals become null and void.
(Ord. of 5-4-2004(3))

Sec. 14-25. Inspections.

In addition to those required by section 14-6, County Health Department and Department of Development officials may perform inspections of any sewage treatment or water system at reasonable intervals and perform random tests. The County Building Official shall inspect all sewer lines and lateral connections prior to backfill, as well as pumps, pits and other equipment.
(Ord. of 5-4-2004(3))

Secs. 14-26—14-28. Reserved.

ARTICLE III. ON-SITE SEPTIC SYSTEMS

[Sec. 14-29. Applicability of article.]

The regulations contained in this article apply to all traditional septic systems and non-discharg-

ing, pre-engineered alternative systems which are considered generally approved, conventional systems by the Virginia Department of Health.
(Ord. of 5-4-2004(3))

Sec. 14-30. Proposed on-site septic systems to meet minimum design criteria.

(a) All systems must meet the current regulations of the Virginia Department of Health at the time of installation.

(b) The minimum standard waste disposal area should be at least five thousand (5,000) square feet of primary drainfield and a reserve area in accordance with subsection (c) below. Larger primary drainfield areas may be required depending on soil type and percolation rate, as determined by the Culpeper County Health Department. Smaller primary drainfield areas may be permitted for pre-engineered alternative systems as determined by the Culpeper County Health Department.

(c) Reserve drainfield areas must be provided. In all cases there shall be a reserve area which is equal to one hundred percent (100%) of the primary drainfield area.
(Ord. of 5-4-2004(3))

Sec. 14-31. Permitting and inspection requirements.

(a) A permit to be obtained from the Culpeper County Health Department is required prior to the installation of any septic system. Such a permit will be valid for a maximum of twelve (12) months from the date of issuance. It shall then become null and void, requiring reassessment and permitting under current state and County regulations.

(b) The Health Department Sanitarian or his agent shall make inspections, as he may deem necessary during construction of sewage disposal or treatment systems to determine compliance with the requirements of this chapter. The Building Official may inspect the house connection of the system as part of the building permit.

(c) It shall be unlawful to use or operate any septic system until the Health Department has inspected and approved the installation of such use.
(Ord. of 5-4-2004(3))

Sec. 14-32. Septic system maintenance.

(a) Generally, any on-site system must be maintained in proper operating order. Engineered systems must be operated in accordance with the manufacturers instruction manual and maintenance must be performed in accordance with the recommended maintenance schedule. In case of failure of such a system, the Health Department must be notified and proper steps taken to correct the problem within thirty (30) days.

(b) All septic tanks must be periodically pumped to ensure that their capacity and ability to operate properly is maintained. Pumping of all septic tanks is mandatory as needed but, in all cases, at a minimum interval of once every five (5) years, as monitored and/or required by the County Health Department.
(Ord. of 5-4-2004(3))

Sec. 14-33. Approval of proposed septic system locations for newly created subdivision lots.

(a) Any and all proposed lots to be created based upon on-site septic systems must be reviewed by the Health Department for compliance with the provisions of this chapter.

(b) The location of a septic system shall be within the boundaries of the proposed lot. Easements for the establishment of minimum drainfields as required in this chapter are prohibited except for replacement of systems serving existing residences or institutional uses already recorded under County codes.

(c) Use of systems other than traditional septic systems for the purpose of subdivision is limited to non-discharging systems which are generally approved and considered conventional by the Virginia Department of Health. Such systems must be designed and approved prior to recordation of a final plat.
(Ord. of 5-4-2004(3))

Sec. 14-34. Delineation of drainfield areas prior to construction.

In cases where a pre-engineered alternative system is to be installed, the area approved for the system, including the required reserve area, shall be clearly delineated on the site and site plan and protected from any land disturbance, storage of building materials, or other inappropriate activity during construction.
(Ord. of 5-4-2004(3))

Secs. 14-35—14-39. Reserved.

ARTICLE IV. WATER SUPPLY

Sec. 14-40. Permit required to install, repair, etc.

(a) *Required.*

(1) It shall be unlawful for any person to install, construct, alter, repair or extend or allow to be installed, constructed, altered, repaired or extended any water supply system, in the County without first obtaining a permit either from the County Health Department, or from the State Health Commissioner.

(2) This section shall not apply to the repair or replacement of the existing mechanical equipment of a water supply system.

(b) *Application.*

(1) Application for a private well permit (centralized or individual) required by this article shall be made on such forms as are furnished by the Health Department and shall contain a clear description, location and dimensions of the land on which the water supply system is to be installed or other work is to be done. The application shall contain the signature of the owner and shall serve to represent his intent as to the proposal. The Health Department may require such plans and specifications, as it deems necessary to determine the adequacy and desirability of the systems. Such information shall be made a part of the records of the Health Department.

(2) An application for a permit to construct a public water supply system shall be made to the State Health Commissioner, as well as to the County Health Department.

(c) *Issuance or denial.*

(1) When the approving authority is satisfied that a proposed water supply system can be adequately constructed or that an existing supply safely used, it shall issue a written permit to proceed with construction or a letter of approval, in the latter case.

(2) When the approving authority determines that a proposed water supply system will not be satisfactory so as to preclude safe and proper operation of the desired installation and there are no other alternatives, it will deny, in writing, a permit and specify the reasons for denial.
(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-41. Location and operating requirements.

(a) *Compliance with article.* The location and construction of water supply systems shall conform to the requirements of this article and specifications pertinent to the type of supply.

(b) *Location within building.* No water supply system for human consumption shall be located within any building, except a separate structure housing pumping equipment.

(c) *Protection from surface wash or flooding.* Water supply systems shall be protected from surface wash or flooding by suitable sloping or ditching of ground surfaces. Water supply systems shall not be located in ground swale areas or flood plains which are subject to increased surface runoff or flooding.

(d) *General location requirements for wells.* All wells shall be properly located on the premises consistent with the general layout, topography and surroundings, including abutting lots.

(e) *Locations of wells with respect to sources of pollution.*

(1) All non-public, Class III wells shall be located at a minimum distance from known sources of pollution as set forth in the following table or as required by the State for public water supplies:

MINIMUM SAFE DISTANCES

Source of Pollution	*Minimum Distance (feet)*
Septic tank	50
Absorption field	100
Cesspools, pit privies, etc.	150
Sand filters (watertight)	50
Sand filters	100
Cast iron sewers	20
Other sewers	35
Property lines	10
Foundations of buildings	100
Gasoline storage facilities	100
Chemical storage,	100
Intensive livestock operations	100

(2) In installations where Class I or II wells are constructed, the distance between potential sources of pollution may be reduced, provided that geological conditions indicate such would be satisfactory and in accordance with the state health standards for the location of public supplies in relation to potential sources of pollution.

(f) *Locations which require the utilization of central water supply systems.*

(1) A central water supply system must be utilized for any new subdivision which contains more than five (5) lots where any of these lots is less than two (2) acres.

(2) Central water systems are required where warranted by the Culpeper County Health Department because of soil conditions, development density, or potential for contamination of individual wells, due to the topographic and/or water table circumstances.

(3) Where central water supply systems are to be utilized, draw down tests must be performed to ensure adequate water supply prior to issuance of building permits for any structures reliant on such system. Design adequacy of all central water supply systems shall be based upon the Commonwealth of Virginia State Board of Health Waterworks Regulations. Monitoring shall also be in conformance with the Virginia State Board of Health Waterworks Regulations.

(Ords. of 5-4-2004(3); 10-5-2004)

Sec. 14-42. Individual, on-lot wells prohibited in certain locations.

In subdivisions where a central water supply is established and available for connection, whether public or private, individual, on-lot wells shall be prohibited.

(Ords. of 5-4-2004(3); 10-5-2004)

Secs. 14-43—14-48. Reserved.

Sec. 14-49. Fire protection systems.

All fire protection systems shall be consistent with the standards and requirements contained in the Virginia Waterworks Regulations and be approved by the Virginia Department of Health, Office of Water Programs whenever such approval is required by that office. Fire protection systems shall be required in accordance with the following regulations:

(1) When a development is served by a publicly operated water supply system, the developer shall design a system adequate to provide fire flow and install a fire protection that will provide adequate fire protection for the development and that meets all requirements of the agency, authority or utility which operates the water supply system.

(2) If a development is served by a central water supply system designed to provide fifty (50) or more service connections and includes any lots which are one (1) acre or less in size, the developer shall install adequate storage and a fire protection

system that will provide adequate fire protection for the development, as set forth in subsection (7), below.

(3) All central water supply systems shall be designed with the distribution lines of such system sized so as to provide for adequate future fire flows, as defined in subsection (7)b, below.

(4) In any instance where an existing central water supply system will be expanded to provide fifty (50) or more service connections, includes any lots which are one (1) acre or less in size, and where the existing system was constructed after the date of adoption of this chapter, the developer shall be responsible for installing a fire protection system for the entire development.

(5) All commercial, industrial, and other nonresidential developments served by a central water supply system shall provide fire protection systems as required by the Building Official in order to meet the applicable building code.

(6) Each fire protection system shall be certified by a professional engineer that it has been constructed according to the approved design. As built drawings shall be provided to the County.

(7) Any fire protection system, public or private, shall meet the following minimum standards in order to provide adequate fire protection, if required under the provisions of this chapter set forth above.

a. Minimum flow for residential development shall be five hundred (500) gallons per minute (gpm) at a residual pressure of twenty (20) pounds per square inch (psi) concurrent with maximum domestic flow throughout the entire distribution system. The minimum fire flow duration shall be two hours for any publicly operated water system. In developments served by a private central water supply system, the minimum fire flow duration shall be one hour for any system with less than seventy-five (75) connections, and two hours for any system with seventy-five (75) or more connections.

b. Minimum line size shall be six (6) inches for mains and six (6) inches for hydrant connections. Smaller line sizes shall be allowed beyond the last hydrant, and on cul-de-sacs which serve no more than five (5) dwellings, subject to certification by an engineer that the line size proposed is adequate for fire flow.

c. Systems shall be designed such that fire hydrants shall be located no more than one thousand (1,000) feet apart.

(Ords. of 5-4-2004(3); 10-5-2004)

Chapter 15

WEAPONS

Sec. 15-1. Possession of loaded rifle or shotgun on highways generally.

(a) It shall be unlawful for any person to carry or have in his possession, while on any part of a public highway within the County, a loaded rifle or loaded shotgun, when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking.

(b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

(c) This section shall not apply to persons carrying loaded rifles or loaded shotguns in moving vehicles, nor to persons acting at the time in defense of persons or property, nor to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties.
(Ord. of 11-6-76)

Cross reference—Penalty for Class 4 misdemeanor, §1-10.

State law reference—Authority for above section, Code of Virginia, § 18.2-287.

Sec. 15-2. Carrying loaded shotgun or rifle in vehicle.

(a) It shall be unlawful for any person to transport, possess or carry a loaded shotgun or a loaded rifle in any vehicle on any public street, road or highway within the County.

(b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

(c) This section shall not apply to duly authorized law-enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.
(Ord. of 11-16-76)

Cross reference—Penalty for Class 4 misdemeanor, § 1-10.

State law reference—Authority for above section, Code of Virginia, § 18.2-287.1.

Sec. 15-3. Hunting with firearm on or near public highway; prohibited.

Under the authority of section 29.1-526 of the Code of Virginia (1950, as amended), hunting or attempting to hunt, with a firearm, any game bird or game animal, while the hunting or attempting to hunt is on or within one hundred (100) yards of any primary or secondary highway in Culpeper County, is prohibited. The violation of this section shall be a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars ($250.00) and by imprisonment in jail not exceeding thirty (30) days, either or both. The term "hunt" or "attempt to hunt" shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.
(Ord. of 6-1-82; Ord. of 10-8-1996)

Editor's note—Ord. of June 1, 1982, did not expressly amend this Code; hence, codification as § 15-3 was at the discretion of the editor.

APPENDIX A

ZONING ORDINANCE*

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*__Editor's note—__The Zoning Ordinance was adopted by the Board of Supervisors on December 5, 1967. It is reprinted herein, with amendments, from a pamphlet compiled by County personnel. Amendments are indicated by history notes appearing in parentheses () at the end of the amended section or subsection. These notes were added by the editor. This republication of the Zoning Ordinance reflects the numerous changes made since Supplement 13 which have resulted in significant repagination of the Ordinance. For ease of future updates, each Article will now start on a separate page.

__Cross references—__Zoning Ordinance not affected by Code or ordinance adopting Code, § 2-14 et seq.; automobile graveyards, Ch. 5; building regulations, Ch. 6; erosion and sedimentation control, Ch. 8; motor vehicles and traffic, Ch. 10; water supply, Ch. 14; Subdivision Ordinance, App. B.

__State law reference—__Zoning, Code of Virginia, § 15.2-2280 et seq.

Article 5A. Residential District R-2

Article 5B. Residential District R-3

Article 5C. Residential District R-4

Article 5D. Residential Mobile Home Parks District Rmh

Article 6.1. Grandfathering of Parcels Zoned C-2 and H-1

Article 6.1A. Convenience Center District C-C

Article 6.1B. Village Center Commercial District Vc

Article 6.1C. Commercial Services District Cs

Article 6.1D. Office District Oc

Article 6.1E. Shopping Center District Sc

Article 26. Effective Date

Article 27. Existing Structures Use Permit

Article 28. Mobile Home Use Permit

Article 29. Conditional Zoning

Article 30. Entrance Corridor Overlay District—EC

Article 30A. Architectural Review Board

Article 31. Agricultural Enterprise Use Permit

Whereas, by act of the General Assembly of Virginia as provided in Chapter 22, Article 7, §§ 15.2-2280 through 15.2-2315, Code of Virginia, and amendments thereto, the governing body of any County or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deed best suited to carry out the purposes of this Article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

a. The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential, floodplain and other specific uses.

b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.

c. The areas and dimensions of land, water and air space to be occupied by buildings, structures and uses, and of courts, yards and other open spaces to be left unoccupied by uses and structures, including variations in the size of lots based on whether a public or community water supply or sewer system is available and used.

d. The excavation or mining of soils or other natural resources.

Therefore, be it ordained by the Board of Supervisors of the County of Culpeper, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2280, Code of Virginia, that the following be adopted as the Zoning Ordinance of the County of Culpeper. Virginia, together with the accompanying map. This ordinance has been designed:

a. To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.

b. To reduce or prevent congestion in the public streets.

c. To facilitate the creation of a convenient, attractive and harmonious community.

d. To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

e. To protect against destruction of or encroachment upon historic areas.

f. To protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.

ARTICLE 1. DISTRICTS

1-1. Establishment.

For the purpose of this ordinance, the County of Culpeper, Virginia, is hereby divided into the following districts:*

Agricultural	A-1
Rural Area	RA
Rural Residential	RR
Residential	R-1
Residential	R-2
Residential	R-3
Residential	R-4
Residential	RMH
Convenience Center District	C-C
Village Center Commercial District	VC
Commercial Services District	CS
Office District	OC
Shopping Center District	SC
Light Industry-Industrial Park District	LI
Industrial District	HI
Floodplain	FP
Planned Unit Development	PUD
Watershed Management District	WMD
Airport Safety	—
Agricultural and Forestal Districts	—
Planned Business District	PBD

(Ords. of 5-24-1989, 6-12-1996, 4-4-2000)

Editor's note—The amendment of 6-12-1996 changed the name of Agricultural District A-2 to Rural Area District RA to more accurately reflect the character of the district. The amendment of 4-4-2000 updated this list to include all current zoning districts.

1-2. Terminology.

As used in this ordinance, the following terms shall have the meanings indicated:

1-2-1 A District:

Any agricultural district, the first letter of the symbol for which is the letter "A."

1-2-2 C District:

Any commercial district, one (1) letter of the symbol for which is the letter "C".

1-2-3 I District:

Any industrial district, one (1) letter of the symbol for which is the letter "I".

1-2-4 R District:

Any residential district, the symbol for which is the letter "R", followed by a number.

1-2-5 RR or RA District:

Any rural district, the symbol for which is two (2) letters, the first of which is "R".

(Ord. of 6-12-1996, 4-4-2000)

Editor's note—The amendment of 6-12-1996 changed the name of Agricultural District A-2 to Rural Area District RA so as to use terminology more consistent with the Comprehensive Plan. The amendment of 4-4-2000 modified the descriptions to more accurately reflect the current zoning categories.

1-3. Locations and Boundaries.

The locations and boundaries of the districts shall be as shown on a map entitled "Zoning Map of the County of Culpeper, Virginia," which map is hereby declared to be a part of this ordinance. A copy of this map is on file in the office of the Zoning Administrator of Culpeper County. All notations, dimensions and designations shown thereon shall be as much a part of this ordinance as if the same were all fully described herein.

(Ord. of 4-4-2000)

Editor's note—The amendment of 4-4-2000 deleted the word "certified" and the requirement that it be signed by the chairman of the Board of Supervisors from the second sentence of this section.

1-4. Compliance with Ordinance.

Except as hereinafter provided:

1-4-1 Use:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved, nor shall any land or building be used or designed to be used for any purpose other than is permitted in the district in which such building or land is located.

1-4-2 Height:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or moved to exceed in height the limit hereinafter designated for the district in which such building is located.

1-4-3 Area:

No building or structure shall be erected, reconstructed, structurally altered, enlarged or

*__Editor's note—__The following enumeration of districts was updated pursuant to an ordinance of 11-6-1991 to match the text of the Chapter.

moved, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with all area and building location regulations hereinafter designated for the district in which such building or open space is located.

1-4-4 Yards or spaces for other buildings:

No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing yard or open space for a building on any other lot.

1-4-5 Subdividing, resubdividing, etc., parcels of land:

No parcel of land held under separate ownership, with or without buildings at the time this ordinance became effective, shall be subdivided, resubdivided, or reduced in any manner below the minimum lot width and lot area required by this ordinance.

1-4-6 Erection of buildings:

Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one (1) main residential building and its accessory on one (1) lot.

1-4-7 Parking areas, parking spaces or loading:

No parking area, parking space or loading space which existed at the time this ordinance became effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance.

ARTICLE 2. DEFINITIONS

[2-0. Definitions.]

For the purpose of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future. Words in the singular number include the plural number, and words in the plural number include the singular number unless the natural construction of the words indicate otherwise.

The word "shall" is mandatory and not directory; the words "used" and "used for" shall be deemed also to include "designed, designed for, intended" or "arranged to be used"; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved"; the terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building"; the word "adjacent" means "contiguous".

2-1. *Abattoir*: A commercial slaughter house.

2-2. *Accessory use or structure*: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

2-3. *Acreage*: A parcel of land, regardless of area, described by metes and bounds which is not a lot on any recorded subdivision plat.

2-4. *Adjacent ground elevation*: The mean elevation of the surface of the ground between a point touching the exterior wall of a building and a point three (3) feet in distance from said wall measured perpendicularly therefrom.

2-5. *Administrator, the*: Shall mean the Zoning Administrator of the County of Culpeper, Virginia.

2-6. *Affordable Housing*: Housing utilized as a linkage with specific performance options in a planned unit development (PUD). Affordable housing includes low-and moderate-income housing, as defined by the department of housing and urban development standards, and housing that is affordable to County residents, as defined by current demographic data. Affordability is determined by the application of standard mortgage criteria to average household income (growth adjusted) to establish the current annual housing value affordable by average County households.

2-7. *Agriculture*: The tilling of the soil, the raising of crops, horticulture, forestry, gardening, and including the keeping and the processing of any products produced on the premises, such as milk, eggs, and the like; but excluding any industry or business such as fruit packing plants, dairies or similar uses where all products processed are not produced on said premise.

2-8. *Alteration*: Any change in the total floor area, use, adaptability, or external appearance of any existing structure.

2-9. *Apartment house*: A building used or intended to be used as the residence of three (3) or more families living independent of each other.

2-10. *Automobile graveyard*: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

2-11. *Basement*: Any story of a building in which the surface of the floor above is less than six (6) feet above the adjacent ground elevation at all points.

2-12. *Best management practices (BMP)*: Structural or nonstructural practices or combination practices that are effective, practical means of reducing the amount of nonpoint source pollution loadings in the watershed.
(Ord. of 3-3-1992)

2-13. *Boarding house*: A building where, for compensation, lodging and meals are provided for at least three (3) and up to fourteen (14) persons.

2-14. *Buffer Area*: A natural vegetative or wooded strip of land utilizing the natural capacity of the vegetation to reduce runoff velocities, enhance infiltration and remove runoff contaminants, thus improving runoff quality and reducing the potential for water quality degradation.
(Ord. of 3-3-1992)

2-15. *Building*: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

2-16. *Building, accessory*: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

2-17. *Building, height of*: The vertical distance measured from the level of the center line of the street or the established curb grade opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the finished ground surface around the entire building.

2-18. *Building, main*: The principal structure or the principal building on a lot, or the building or the principal building housing the principal use on the lot.

2-19. *Billboard or poster panel*: Any sign or advertisement used as an outdoor display for the purpose of making anything known, where the subject matter of the sign is not available on the premises.

2-20. *Camping trailer*: Tent-like structure mounted on wheels which is designed to be towed by a motor vehicle; collapsible side walls fold out into tent-top structure that will sleep four (4) to eight (8) people.
(Ord. of 5-2-1972)

2-21. *Commission, the*: The Planning Commission of the County of Culpeper, Virginia.*

2-22. *Conservation Area*: An area reserved as open space for its unique natural or physical characteristics or its special environmental or ecological value. Appropriate areas include woodlands, unique geologic formations, wetlands, streams, gorges, marshes, hydric soils, steep slopes [in excess of twenty-five percent (25%), historic sites and scenic areas.
(Ord. of 3-3-1992)

2-23. *Dairy*: A commercial establishment for the manufacture and sale of dairy products.

2-24. *Development*: Any subdivision [lot line adjustments, family partitions and one (1) single lot division in a twenty-four-month period are exempted], commercial or industrial construction, grading or land disturbance in excess of five thousand (5,000) square feet or other disturbance which results in substantial physical change in a parcel of land or water course.
(Ord. of 3-3-1992)

2-25. *District*: Districts as referred to in § 15.2-2280 of the Code of Virginia, 1950, as may be amended from time to time.

2-26. *Domestic wastes*: Septic tank cleanings and other septage, including grease trap cleanings.
(Ord. of 8-5-1980)

2-27. *Drilling, production*: Drilling or boring a hole into the earth for the purpose of extracting any gas, petroleum or other liquid product, excluding water, for sale on a commercial basis.
(Ord. of 10-6-1981)

2-28. *Duplex*: A two-unit townhouse in which each unit is subject to the side yard requirements of the end units of a townhouse cluster and in which each unit rests on an individual lot.
(Ord. of 11-6-1991)

2-29. *Dwelling*: Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and automobile trailers.

2-30. *Dwelling, multiple-family*: A structure arranged or designed to be occupied by three (3) or more families living independently of each other.

2-31. *Dwelling, two-family*: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

*__Cross reference—__Planning Commission, § 2-14 et seq.

2-32. *Dwelling, single-family*: A structure, not including manufactured or modular homes, arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
(Ord. of 2-4-1997)

2-33. *Dwelling unit*: One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

2-34. *Dump heap (trash pile)*: Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, residence, dairy barn or food-handling establishment, where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

2-35. *Environmental Impact Assessment*: The analysis of pre-and post-development impact of a parcel of land, public or private activity proposed for the land and alternatives to the action.
(Ord. of 3-3-1992)

2-36. *Family*: One (1) person or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, in any case living together as a single housekeeping unit in a dwelling unit.

2-37. *Family Day Home*: A child day program offered in the residence of the provider or the home of any of the children in care of one (1) through twelve (12) children under the age of 13, exclusive of the provider's own children or any children who reside in the home, when at least one (1) child receives care for compensation. No family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.
(Ord. of 12-6-1994)

2-38. *Farm tenant*: A worker who resides on and derives principal income from a farm.
(Ords. of 11-3-1976, 12-6-1994)

2-39. *Garage, private*: An accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is an accessory. On a lot occupied by a multiple-unit dwelling, a "private garage" may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units.

2-40. *Garage, public*: A building or portion thereof, other than a private garage, designed or used for servicing repairing, equipping, renting, selling or storing motor-driven vehicles.

2-41. *Garden and landscape center*: A use or structure for the storage, maintenance or retail sale of horticultural products and supplies for garden and landscape, including landscape contracting.
(Ords. of 6-6-1972; 3-3-1987)

2-42. *Golf Course*: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

2-43. *Golf driving range*: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

2-44. *Governing body*: The Board of Supervisors of the County of Culpeper, Virginia.

2-45. *Guest room*: A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guest paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

2-46. *Hardship, emergency*: Any dilemma or hardship caused by forces beyond the control of man or arising out of circumstances created by such a catastrophe or which is so found to be a true hardship of an emergency nature by the Board of Supervisors member from the district in which the hardship is alleged to be and which said dilemma or hardship results in, or will likely result in, loss of habitation, health, fortune or other manifest personal suffering or anguish, which condition is capable of documen-

tation and may only be alleviated by emergency measures.
(Ords. of 11-3-1976; 4-3-1990)

2-47. *Hardship, medical*: Any adult person having a documented medical condition or affliction which results in an incapacitation, either mental or physical, of such a nature that the person so affected is rendered unable to properly care for his own welfare and health.
(Ords. of 11-3-1976; 4-3-1990)

2-48. *Historical area*: As indicated on the Zoning Map to which the provisions of the ordinance apply for protection of a historical heritage.

2-49. *Hog farm*: A farm where hogs are kept and fed.

2-50. Reserved.
(Ord. of 3-3-1987)

2-51. *Home occupation*: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and where no one is employed, other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices, such as medical, dental, legal, engineering and architectural, excluding real estate offices, conducted within a dwelling by the occupant, but such use shall not exceed twenty-five percent (25%) of the livable floor area of the building, exclusive of the basement.

2-52. *Hospital*: An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanitoriums, but in all cases excluding institutions primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein.)

2-53. *Hospital, special care*: An institution rendering care primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts.

2-54. *Hotel*: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provisions are not generally made for cooking in individual rooms or suites.

2-55. *Immediate family*: Any person who is a natural or legally defined offspring, spouse, parent or guardian.
(Ord. of 11-3-1976)

2-56. *Junkyard*: The use of any area of land lying within one hundred (100) feet of a state highway or the use of more than one thousand (1,000) square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia (now Code of Virginia, § 33.1-348)

2-57. *Kennel, boarding*: Any lot or premises on which more than five (5) domestic animals, five (5) months of age or older, are kept, housed, groomed, bred, boarded, trained or sold for compensation. Specifically excluded are farm animals integral to agriculture, as defined.
(Ord. of 5-24-1989)

2-58. *Livestock market*: A commercial establishment wherein livestock is collected for sale and auctioned off.

2-59. *Lot*: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat or record or considered as a unit of property and described by metes and bounds.

2-60. *Lot, corner*: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

2-61. *Lot coverage*: The extent of structural and building coverage that shall not be exceeded, excluding parking, walkways, landscape or other porous surfaces.
(Ord. of 12-3-1991)

2-62. *Lot, depth of*: The average horizontal distance between the front and rear lot lines.

2-63. *Lot, double-frontage*: An interior lot having frontage on two (2) streets.

2-64. *Lot, front of*: That side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the "front of the lot."

2-65. *Lot, interior*: Any lot, other than a corner lot.

2-66. *Lot width*: The width of any lot at the setback line. Calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line, and the "lot width" shall be calculated along said curve or angle setback line.

2-67. *Lot of record*: A lot which has been recorded in the Clerk's office of the Circuit Court.

2-68. *Manufacture and/or manufacturing*: The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

2-69. *Mobile or Manufactured home*: A single-family dwelling designed to be transported on its own wheels or on flatbed or other trailer and arriving at the site in one (1) or more units that, when attached or erected on a permanent foundation, form a self-contained living unit ready for occupancy, except for minor and incidental unpacking and assembly operations, location on supports, connection to utilities and the like. "Mobile or Manufactured homes" are designed for removal and are situated to enable relocation and installation to other sites. Mobile or Manufactured homes are built to comply with federal (HUD) construction standards. The terms "mobile home" and "manufactured home" shall be interchangeable for the purposes of this ordinance.
(Ord. of 8-4-1992, 2-4-1997)

2-70. *Mobile home park*: Any development designed to accommodate two (2) or more units intended exclusively for residential use. Such parks are governed by Article 5D of this ordinance. Mixing of unit types within a park shall be permitted only as identified on an approved site plan.
(Ord. of 8-4-1992)

2-71. *Modular home*: A single-family dwelling that is factory fabricated and transported to the site on a chassis and designed to be used individually or in combination with similar units to permanently form a complete living unit on a permanent foundation. Modular homes are built to comply with state building code requirements.
(Ord. of 8-4-1992, 2-4-1997)

2-72. *Motor home*: A fully self-contained unit which is built on a truck or bus chassis and designed as temporary living accommodations for recreation, camping and travel use.
(Ord. of 5-2-1972)

2-73. *Nonconforming lot*: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-74. *Nonconforming activity*: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-75. *Nonconforming structure*: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

2-76. *Off-street parking area*: Space provided for vehicular parking outside the dedicated street right-of-way.

2-77. *Pen*: A small enclosure used for the concentrated confinement and housing of animals

or poultry; a place for feeding and fattening animals; a coop. An enclosed pasture or range, with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal, shall not be regarded as a "pen."

2-78. *Plant nursery*: Structures for the raising or cultivation of agricultural and horticultural products, but specifically excluding retail sales on premises.
(Ord. of 3-3-1987)

2-79. *Primary streams*: Those creeks, streams and intermittent waterways that flow directly into Mountain Run Lake and Lake Pelham (identified as such in the Watershed Management Plan).
(Ord. of 3-3-1992)

2-80. *Recreational vehicle*: A vehicular-type structure designed as temporary living accommodations for recreation, camping and travel use, there are four (4) basic types of "recreational vehicles"; travel trailers, motor homes, truck campers and camping trailers.
(Ord. of 5-2-1972)

2-81. *Recreation Area*: The area of land reserved for active or passive enjoyment of activities that provide an alternative to residential, employment and service activities and complement the lifestyle of the community by providing the opportunity for the enhancement of health and welfare of the public for individuals and groups. Such areas may include landscape for quiet repose, open areas for games, facilities for exercise and/or trails for travel and linkage of recreation areas with other areas and the community.

2-82. "*Commercial recreation*": The development of intense recreation facilities for mass market spectator and/or regional participation of fee-based activities. Activities include but are not limited to indoor or outdoor entertainment complex, theme or amusement park, water slide, racing facility (motor or equestrian), sports stadium or complex or other similar facility.

2-83. *Required open space*: Any space required in any front, side or rear yard or court.

2-84. *Restaurant*: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands.

2-85. *Retail stores and shops*: Buildings for the display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumberyards), such as the following, which will serve as illustration; drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

2-86. *Riding and boarding stables, equestrian center*: Any land or structure used for the Boarding, riding, teaching or training of horses for compensation or including the uses and facilities for the showing, jumping, racing, demonstration or other equestrian events.

2-87. *Sawmill*: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

2-88. *Setback*: The minimum distance by which any building or structure must be separated from the front lot line.

2-89. *Sign*: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by a means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

2-90. *Sign area*: The total area in the smallest rectangle or rectangles, if the sign is rectangular; or the smallest convex polygon that will contain the entire sign, excluding architectural embellishments and supports, on neither of which there is displayed any advertising material or any lighting. For projecting or double-

faced signs, one (1) display face shall be measured in computing total "sign area," where the sign faces are parallel or where the interior angle formed by the faces is ninety (90) degrees or less. The actual area of any exposed tubing or lighting used to outline any part of a lot, other than a sign, shall be included in the computations of "sign area", provided that the area of any band of lighting (including a string of individual lights) less than one (1) foot in width shall be computed at the rate of one (1) square foot for each one (1) foot of the length thereof.

2-91. *Sign lighting*:

2-91-1 Direct: A sign illuminated internally or on the surface of the sign itself.

2-91-2 Indirect: A sign that is illuminated from a source separate from the sign.

2-92. *Sign structure*: Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

2-93. *Sign, temporary*: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or the sale of land. "Temporary signs" shall conform in size and type to directional signs.

2-94. *Sludge*: The residue of a wastewater treatment facility containing solids removed by the treatment process.

2-95. *Sludge, Class A*: Sludge which meets all requirements of the Virginia Department of Health and is approved by that department as "Class A sludge."

2-96. *Store*: See section 2-85, Retail stores and shops.

2-97. *Story*: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

2-98. *Street or road*: A public or private thoroughfare, however designated, which affords a principal means of access to abutting property.

2-99. *Story, half*: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

2-100. *Street line*: The dividing line between a street or road right-of-way and the contiguous property.

2-101. *Structure*: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

2-102. *Tourist court, auto court, motel, hotel, cabin or motor lodge*: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

2-103. *Tourist home*: A dwelling where only lodging is provided, for compensation, for up to fourteen (14) persons (in contradistinction to hotels and boardinghouses) and open to transients.

2-104. *Townhouse*: An attached single family dwelling unit which may rest on one (1) or both side lot lines.

2-105. *Travel trailer*: A vehicular structure mounted on wheels, which is designed as temporary living accommodations for recreation, camping and travel use, and which can be easily towed by automobile or small truck and does not require special highway movement permits.

2-106. *Tributaries*: Those creeks, streams and intermittent waterways that flow into primary streams or other water bodies prior to flowing into Mountain Run Lake and Lake Pelham (as such identified in the Watershed Management Plan).

2-107. *Truck camper*: A portable structure designed to be loaded onto or affixed to the bed or

chassis of a truck and designed to be used as temporary living accommodations for recreation, camping and travel use.

2-108. *Use, accessory*: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

2-109. *Utility facilities, primary*: Such facilities as cogeneration power plants or other power generating plants which tie in directly with major transmission lines (carrying two hundred thirty (230) KV or greater) as opposed to distribution lines; also any offices, shops or other facilities which are occupied by persons on a daily basis. Any facility which is specifically identified or closely associated with uses identified in a commercial or industrial district, at the discretion of the zoning administrator.

2-110. *Variance*: A relaxation of the terms of the Zoning Ordinance where such "variance" will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicants, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a "variance" is authorized only for height, area and size of structure or size of yards and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by "variance," nor shall a "variance" be granted because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts.

2-111. *Wayside stand, roadside stand or wayside market*: Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

2-112. *Yard*: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

2-112-1 Front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

2-112-2 Rear: An open, unoccupied space on the same lot as a building between the rear line of the building, excluding steps, and the rear line of the lot and extending the full width of the lot.

2-112-3 Side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

2-113. *Zero Lot Line:* A detached single-family dwelling unit which rests on one (1) side lot line. (Ord. of 11-6-1991)

ARTICLE 3. AGRICULTURAL DISTRICT A-1

3-1. Statement of intent.

This district pertains to the unincorporated portions of the County which are occupied by various rural low-density uses, such as forests, streams, farms, lakes and mountains. The district is established for the specific purpose of facilitating the conservation and protection of existing agricultural operations; watersheds, drainage channels and lowland areas; forestal lands; soil erosion and geologic areas; ground and surface water features; natural and open space; and critical areas of natural resources and environmental quality. Uses not consistent with the existing character of this district or the intent specified herein are prohibited.
(Ord. of 5-24-1989)

3-2. Permitted uses.

The following regulations shall apply in all A-1 Districts:

3-2-1 Principal uses and structures:

3-2-1.1 Agriculture, as defined.

3-2-1.2 Single-family detached dwellings, modular homes and mobile or manufactured homes on lots of record, on lots with valid preliminary approval as of August 5, 1997, which remain valid and are duly recorded or in minor subdivisions as defined in section 601 of the Subdivision Ordinance.
(Ords. of 9-1-1992; 2-4-1997; 9-2-1997)

3-2-1.3 Churches, parish houses and Sunday schools.

3-2-1.4 Parks and playgrounds.

3-2-1.5 Plant nurseries.

3-2-1.6 Public schools.

3-2-1.7 Family day homes.
(Ord. of 12-6-1994)

3-2-2 Conditional uses:

The following uses may also be permitted, subject to securing a use permit as provided for in Article 17:

3-2-2.1 Agricultural enterprises consistent with and subject to Article 31.

3-2-2.2 Airports and aircraft landing strips.

3-2-2.2a Bed and breakfasts or country inns limited to accommodations for no more than twelve (12) overnight guests and thirty (30) seats for dining.
(Ord. of 8-1-1995)

3-2-2.3 Campgrounds as regulated in section 9-1-6.

3-2-2.4 Cemeteries.

3-2-2.4a Community facilities such as police stations, waste transfer sites, and post offices.
(Ord. of 6-1-1999)

3-2-2.5 Day-care centers and nursery schools.

3-2-2.6 Disposal of stabilized domestic wastes, not including municipal sludge, on agricultural lands and such activities which are generally associated with this process.

3-2-2.7 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

3-2-2.8 Golf courses.

3-2-2.9 Kennels, catteries and boarding facilities.

3-2-2.10 Mining, excavation, quarries and production drilling and all associated activities of extractive and mining operations.

3-2-2.11 Mobile homes as provided for in Article 28.

3-2-2.12 Private clubs, fraternal organizations and civic associations catering exclusively to members and their guests.

3-2-2.13 Private and parochial schools and educational institutions as accredited by the Commonwealth of Virginia.

3-2-2.14 Public utilities and service facilities such as poles, lines and pipes, rights-of-way, transformers, towers, exchanges and booster stations, public water and wastewater systems and any structures and access accessory thereto.

3-2-2.15 Radio and television transmission facilities and telecommunication equipment.

3-2-2.16 Recreation facilities which utilize natural resources as a principal attraction.

3-2-2.17 Riding stables or equestrian centers.

3-2-2.18 Wildlife reservations and conservation projects, including related structures.

3-2-2.19 Infrequent land application of biosolids as governed by Article 17-5 of this Ordinance.
(Ords. of 12-12-1989; 2-3-1998)

3-2-2.20 Reserved.
(Ords. of 9-2-1997, 10-6-1998)

Editor's note—Amendment of 2-3-1998 modified the language in section 3-2-2.19 pertaining to biosolids. Amendment of 10-6-1998 repealed section 3-2-2.20 pertaining to major subdivisions in the A-1 zoning district.

3-2-3 Accessory Uses and Structures

3-2-3.1 Accessory uses and structures customarily incidental to a permitted use, subject to Article 9.

3-2-3.2 Wayside stands, as defined, and limited to a display and sale area of no more than two hundred fifty (250) square feet of land set back a minimum of twenty-five (25) feet from the public right-of-way.

3-2-3.3 One (1) tenant unit limited to an accessory structure at least thirty (30) feet from the principal structure. More than one unit may be approved only for occupancy by farm tenants. Approval is subject to Health Department and VDOT approval of any additional dwelling units. Such units are subject to requirements provided for in Article 9.

3-2-3.4 Satellite Dishes

3-2-3.5 Package treatment systems subject to the regulations of Chapter 14, Sanitary Regulations, of the Culpeper County Code.
(Ords. of 9-1-1992; 12-3-2002(5); 2-3-2004(2))

3-2-4 Off-street parking:

Off-street parking as required in Article 10.

3-2-5 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ords. of 9-7-1971; 5-2-1972; 11-3-1976; 5-2-1978; 8-5-1980; 12-2-1980; 10-6-1981; 11-7-1984; 3-3-1987, 5-24-1989)

3-3. Height regulations.

3-3-1 Building height:

Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 5-24-1989)

3-4. Area regulations.

3-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be five (5) acres.
(Ord. of 5-24-1989)

3-5. Setback regulations.

3-5-1 Setback line:

The setback line shall be located one hundred twenty-five (125) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and one hundred (100) feet from any street right-of-way greater than fifty (50) feet in width. In no case shall any structure be located closer to the street right-of-way than the setback line. In the case of corner lots, no structure shall be located closer than fifty (50) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

3-6. Width and yard regulations.

3-6-1 Minimum lot width:

The minimum lot width at the setback line shall be 250 feet or more.

3-6-2 Side yard:

Each principal structure shall have a side yard of fifty (50) feet or more.

3-6-3 Rear yard:

Each principal structure shall have a rear yard of seventy-five (75) feet or more.

3-6-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty-five (25) feet or more.
(Ord. of 5-24-1989)

ARTICLE 4. RURAL AREA DISTRICT RA*

4-1. Statement of intent.

This district pertains to the unincorporated portions of the County which are primarily rural in character. It is the area of transition between the agricultural, open space and conservation parts of the County and orderly residential development. While containing low-density residential and active farms, the district is established to provide for rural services, buffer agricultural and conservation uses and accommodate the mix of rural uses between farm and suburban lands. Uses not consistent with the existing character of this district are prohibited.
(Ords. of 5-24-1989, 11-3-1999)

Editor's note—Amendment of 11-3-1999 modified the definition of the character of the RA district.

4-2. Permitted uses.

The following regulations shall apply in all RA Districts:

4-2-1 Principal uses and structures:

4-2-1.1 Agriculture as defined.

4-2-1.2 Single-family detached dwellings and modular homes on lots of record, on lots with valid preliminary approval as of December 31, 1999, which remain valid and are duly recorded or in minor subdivisions as defined in section 601 of the Subdivision Ordinance.
(Ords. of 10-6-1998, 11-3-1999)

Editor's note—Amendment of 10-6-1998 modified the language in this section so as to make it identical to language in the corresponding section in the A-1 zoning district. Amendment of 11-3-1999 changed the date in this section to December 31, 1999.

4-2-1.3 Churches, parish houses, and Sunday Schools.

4-2-1.4 Parks and playgrounds.

4-2-1.5 Plant nurseries.

4-2-1.6 Public schools.

4-2-1.7 Family day homes.
(Ords. of 9-1-1992; 2-4-1997)

4-2-2 Conditional uses:

In addition to those uses and structures permitted in sections 3-2-2.1 through 3-2-2.19 of Article 3. Agricultural District A-1, the following uses may also be permitted subject to securing a use permit as provided for in Article 17:

4-2-2.1 Antique shops.

4-2-2.2 Community buildings, including libraries, museums and art galleries.

4-2-2.3 Bed and breakfasts or country inns limited to accommodations for no more than twelve (12) overnight guests and thirty (30) seats for dining.

4-2-2.4 Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature, or uses where involuntary detention is intended.

4-2-2.5 Private recreation facilities, including country clubs, tennis and racquet clubs, swimming facilities, basketball and ice skating facilities and equestrian facilities.

4-2-2.6 Veterinary hospitals or clinics, provided that such facilities, including kennels, shall be a minimum of one hundred (100) feet from the property line of any nonagricultural district.
(Ords. of 7-1-1997, 10-6-1998, 11-3-1999)

Editor's note—Amendment of 10-6-1998 added section 4-2-2.7, making major subdivisions a conditional use in the RA zoning district. Amendment of 11-3-1999 removed section 4-2-2.7 as a conditional use in the RA district.

4-2-3 Accessory uses and structures:

4-2-3.1 Accessory uses and structures as permitted in the A-1 District.

4-2-3.2 Tennis courts, swimming pools and other private recreation facilities, provided that such facilities are excluded from the front yard.

4-2-3.3 Satellite dishes.

4-2-4 Off-street parking:

Off-street parking as required in Article 10.

***Editor's note—**This Article was amended on 6-12-1996 to change the name from Agricultural District A-2 to Rural Area District RA, so as to use terminology more consistent with the comprehensive plan. Amendments have been made throughout the Zoning Ordinance to reflect this name change.

4-2-5 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ord. of 5-24-1989)

4-3. Height regulations.

4-3-1 Building height:

Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 17.
(Ord. of 5-24-1989)

4-4. Area regulations.

4-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be three (3) acres.
(Ords. of 1-3-1972; 5-24-1989, 11-3-1999)

4-5. Lot coverage.

4-5-1 Maximum coverage area:

All buildings, including accessory structures and impervious surfaces, shall not cover more than twenty-five percent (25%) of the total area of the lot.
(Ord. of 5-24-1989)

4-6. Setback regulations.

4-6-1 Setback line:

The setback line shall be located at least one hundred (100) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and seventy-five (75) feet from the property line of a street right-of-way which is greater than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line. In the case of a corner lot, no structure shall be closer than forty (40) feet from the right-of-way line of the side street.
(Ord. of 5-24-1989)

4-7. Width and yard regulations.

4-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet or more.

4-7-2 Side yard:

Each principal structure shall have a side yard of thirty (30) feet or more.

4-7-3 Rear yard:

Each principal structure shall have a rear yard of fifty (50) feet or more.

4-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty (20) feet or more.
(Ord. of 5-24-1989)

ARTICLE 4A. RURAL RESIDENTIAL DISTRICT RR*

4A-1. Statement of intent; applicability.

This district is composed of rural low-density residential areas, plus certain open areas where agricultural uses may occur. The regulations for this district are designed to promote and encourage a suitable environment for family life where there are children and to prohibit most activities of a commercial nature. To these ends, development is limited to low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

4A-2. Use regulations.

The following regulations shall apply in all RR Districts.†

4A-2-1 Principal uses and structures:

Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in Rural Residential District RR. Structures to be erected or land to be used shall be for the following uses.

4A-2-1.1 Single-family dwellings and modular homes.

4A-2-1.2 Churches, parish houses and Sunday schools.

4A-2-1.3 Parks and playgrounds.

4A-2-1.4 Family day homes.

4A-2-1.5 Public schools.

4A-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

4A-2-2.1 Agriculture, as defined.

4A-2-2.2 Schools, including all elementary, high and private; kindergartens and day nurseries.

4A-2-2.3 Libraries, museums and art galleries.

4A-2-2.4 Private nonprofit clubs.

4A-2-2.5 Cemeteries.

4A-2-2.6 Golf courses, except driving tees and miniature courses.

4A-2-2.7 Community buildings, including hospitals and mental clinics.

4A-2-2.8 Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature or uses where involuntary detention is intended.

4A-2-2.9 Public utilities and services such as (but except railroads) poles, lines and pipes, rights-of-way and transformers, towers, radio towers and including telephone exchanges, (but excluding service and storage yards), provided that the exterior appearance of any building permitted in this paragraph shall be in keeping with the character of the neighborhood in which it is located.

4A-2-2.10 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

4A-2-2.11 Mobile homes as provided for in Article 28 of this Ordinance.

4A-2-2.12 Home Occupations

4A-2-3 Accessory uses and structures:

4A-2-3.1 In addition to those uses and structures permitted in the RA District, accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.

4A-2-4 Off-street parking:

Off-street parking as required in Article 10.

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*__Editor's note—__The Rural Residential District RR was adopted on 11-3-1999 to reflect changes made to the comprehensive plan and to more accurately reflect the language of that comprehensive plan. Amendments have been made throughout the zoning ordinance to reflect this change.

†__Note—__For supplemental regulations, see Article 9.

4A-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article 11.

4A-3. Height regulations.

4A-3-1 Building height:

Buildings may be erected up to 35 feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.

4A-4. Area regulations.

4A-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be three (3) acres, except as provided for in section 9-5.

4A-5. Lot coverage.

4A-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than twenty-five percent (25%) of the area of the lot. For the purpose of computing lot coverage, unless otherwise shown, a minimum of 180 square feet of accessory buildings or automobile parking space shall be assumed as being required for each family occupying such lot.

4A-6. Setback regulations.

4A-6-1 Setback line:

The setback line shall be located at least one hundred (100) feet from the center line of any street right-of-way which is fifty (50) feet or less in width and seventy-five (75) feet from the property line of a street right-of-way which is greater than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line. In the case of a corner lot, no structure shall be closer than forty (40) feet from the right-of-way line of the side street.

4A-7. Width and yard regulations.

4A-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet or more.

4A-7-2 Side yard:

Each principal structure shall have a side yard of thirty (30) feet or more.

4A-7-3 Rear yard:

Each principal structure shall have a rear yard of fifty (50) feet or more.

4A-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of twenty (20) feet or more.

ARTICLE 5. RESIDENTIAL DISTRICT R-1

5-1. Statement of intent; applicability.

This district is composed of certain quiet, low-density residential areas, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to promote and encourage a suitable environment for family life where there are children and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents, plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.
(Ords. of 5-24-1989; 6-3-1997)

5-2. Use regulations.

The following regulations shall apply in all R-1 Districts.*

5-2-1 Principal uses and structures:

Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-1. Structures to be erected or land to be used shall be for the following uses.

5-2-1.1 Single-family dwellings and modular homes.

5-2-1.2 Churches, parish houses and Sunday schools.

5-2-1.3 Parks and playgrounds.

5-2-1.4 Family day homes.
(Ord. of 12-6-1994; 2-4-1997)

5-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

5-2-2.1 Agriculture, as defined.

5-2-2.2 Schools, including all elementary, high and private; kindergartens and day nurseries.

5-2-2.3 Libraries, museums and art galleries.

5-2-2.4 Private nonprofit clubs.

5-2-2.5 Cemeteries.

5-2-2.6 Golf courses, except driving tees and miniature courses.

5-2-2.7 Community buildings, including hospitals and mental clinics.

5-2-2.7(a) Institutional homes and health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature or uses where involuntary detention is intended.
(Ord. of 9-1-1992)

5-2-2.8 Public utilities and services such as (but except railroads) poles, lines and pipes, rights-of-way and transformers, towers, radio towers and including telephone exchanges, (but excluding service and storage yards), provided that the exterior appearance of any building permitted in this paragraph shall be in keeping with the character of the neighborhood in which it is located.

5-2-2.9 Fire stations and rescue squads consistent with the comprehensive plan for fire and rescue services in the County.

5-2-2.10 Mobile homes as provided for in Article 28 of this Ordinance.
(Ord. of 2-4-1997)

5-2-2.11 Home Occupations
(Ord. of 6-3-1997)

5-2-3 Accessory uses and structures:

5-2-3.1 In addition to those uses and structures permitted in the RA District, accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.
(Ord. of 6-12-1996)

5-2-4 Off-street parking:

Off-street parking as required in Article 10.

*__Note—__For supplemental regulations, see Article 9.

5-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article 11.
(Ord. of 5-24-1989)

5-3. Height regulations.

5-3-1 Building height:

Buildings may be erected up to thirty-five (35) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 5-24-1989)

5-4. Area regulations.

5-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be forty thousand (40,000) square feet, except as provided for in section 9-4.
(Ords. of 10-3-1972; 5-24-1989)

5-5. Lot coverage.

5-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than twenty-five percent (25%) of the area of the lot. For the purpose of computing lot coverage, unless otherwise shown, a minimum of 180 square feet of accessory buildings or automobile parking space shall be assumed as being required for each family occupying such lot.
(Ord. of 5-24-1989)

5-6. Setback regulations.

5-6-1 Setback line:

The setback line shall be located fifty (50) feet from any street right-of-way which is fifty (50) feet or greater in width or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. In no case shall any structure be located closer than forty (40) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5-7. Width regulations.

5-7-1 Minimum lot width:

The minimum lot width at the setback line shall be one hundred twenty (120) feet or more.
(Ord. of 5-24-1989)

5-8. Yard regulations.

5-8-1 Side yard:

Each main structure shall have side yards of twenty (20) feet or more.

5-8-2 Rear yard:

Each main structure shall have a rear yard of 35 feet or more.

5-8-3 Yard requirements, accessory uses or structures:

Each accessory use or structure shall have a side and rear yard of ten (10) feet or more.
(Ord. of 5-24-1989)

ARTICLE 5A. RESIDENTIAL DISTRICT R-2

5A-1. Statement of intent.

This district provides moderate development opportunity in a semirural, residential atmosphere. The district is established to encourage diversity of residential development and create a density conductive to alternative types of housing in the rural setting. Single-family detached dwellings are the principal permitted structures utilizing individual septic service or the community wastewater management system based on physical characteristics of the land and the capabilities of the surrounding area.
(Ord. of 5-24-1989)

5A-2. Use regulations.

The following regulations shall apply in all R-2 Districts:

5A-2-1 Principal uses and structures:

5A-2-1.1 All uses permitted in the R-1 District.

5A-2-1.2 Zero lot line and duplex housing, subject to the provisions of section 9-5.

5A-2-2 Conditional uses:

5A-2-2.1 All conditional uses as permitted in the R-1 District.

5A-2-3 Accessory uses and structures:

5A-2-3.1 All uses as permitted in the R-1 District.
(Ords. of 12-12-1969; 5-24-1989; 11-6-1991)

5A-3. Height regulations.

5A-3-1 Building height:

Same as provided for in the R-1 District.
(Ords. of 12-2-1969; 5-24-1989)

5A-4. Area regulations.

5A-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be twenty-five thousand (25,000) square feet, except as provided for in section 9-4. Permitted uses utilizing individual wells or septic systems, or both, may require additional lot area as determined by the health department. The application of package treatment systems for individual subdivision lots is prohibited. This shall not prevent the use of either individual septic systems or centralized systems for subdivision application. All other applications of wastewater management systems are subject to approval by the health department and/or state water control board.
(Ords. of 12-2-1969; 5-24-1989)

5A-5. Lot coverage.

5A-5-1 Maximum coverage area:

Same as provided for in the R-1 District.
(Ord. of 5-24-1989)

5A-6. Setback regulations.

5A-6-1 Setback line:

Same as provided for in the R-1 District.
(Ords. of 12-2-1969; 5-24-1989)

5A-7. Width regulations.

5A-7-1 Minimum lot width:

The minimum lot width at the setback line shall be one hundred (100) feet or more.
(Ords. of 12-2-1969; 5-24-1989)

5A-8. Yard regulations.

5A-8-1 Side yard:

Each principal structure shall have a side yard of fifteen (15) feet or more. Accessory uses and structures shall have a five-foot side yard.

5A-8-2 Rear yard:

Each principal structure shall have a rear yard of thirty (30) feet or more. Accessory uses shall be located at least five (5) feet from the rear property line.
(Ords. of 12-2-1969; 5-24-1989)

ARTICLE 5B. RESIDENTIAL DISTRICT R-3*

5B-1. Statement of intent.

This district provides for a diversity of single-family and low-density multifamily dwelling units at three (3) to eight (8) units per acre (maximum). It establishes a range of lifestyles from detached to attached units to accommodate the changing patterns of growth in the County. In order to provide for such densities, adequate buffering, access, recreation and open space must be supplied either on each parcel or in common, reserved areas of public access. An atmosphere of community and neighborhood must be maintained that blends in with the existing character of the surrounding area.
(Ord. of 5-24-1989)

5B-2. Use regulations.

The following regulations shall apply in all R-3 Districts:

5B-2-1 Principal uses and structures:

5B-2-1.1 All uses permitted in the R-2 District.

5B-2-1.2 Townhouses.

5B-2-1.3 Multifamily dwellings or condominiums.

5B-2-1.4 Zero lot line and duplex housing.

5B-2-2 Conditional uses:

In addition to uses in the R-2 District, the following uses and structures may also be permitted subject to securing a use permit as provided for in Article 17:

5B-2-2.1 Nursing and convalescent homes.

5B-2-2.2 Common recreation uses and structures, provided that such uses are owned, maintained and dedicated to such use for the express use of the residents or the general public and that structures shall be located at least seventy-five (75) feet from any adjoining residential lot line and fifty (50) feet from any other structure on the property.

5B-2-2.3 Hospitals and institutional homes, excluding those of a correctional nature.

5B-2-3 Accessory uses and structures:

5B-2-3.1 Uses as permitted in the R-2 District.
(Ords. of 5-24-1989; 11-6-1991)

5B-3. Height regulations.

5B-3-1 Building height:

Buildings in the R-3 District may be erected up to three (3) stories with a maximum height of thirty-five (35) feet above the adjacent ground elevation.
(Ord. of 5-24-1989)

5B-4. Area regulations.

5B-4-1 Minimum lot area:

The minimum lot area shall be fifteen thousand (15,000) square feet, provided that:

5B-4-1.1 Single-family dwellings shall require larger lots for adequate water and sewer service in accordance with health department standards.

5B-4-1.2 Townhouse groups of no more than five (5) units and requiring an area of eight thousand seven hundred (8,700) square feet or more per dwelling unit, subject to approved centralized water and wastewater facilities.

5B-4-1.3 Multifamily dwellings may be constructed at a density of eight (8) units per acre with acceptable private or public central water and wastewater systems.
(Ord. of 5-24-1989)

5B-5. Lot coverage.

5B-5-1 Maximum coverage area:

All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.
(Ord. of 5-24-1989)

*__Editor's note—__*Former Art. 5B, Residential Mobile Home Parks District RMH, was renumbered as Art. 5D pursuant to the Ord. of 5-24-89.

5B-6. Setback regulations.

5B-6-1 Setback line:

The setback line shall be located at least fifty (50) feet or more from all street right-of-way lines. In the case of a corner lot, no structure shall be closer than forty (40) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5B-7. Width and yard regulations.

5B-7-1 Minimum lot width:

The minimum lot width at the setback line shall be eighty (80) feet.

5B-7-2 Side yard:

Each principal structure shall have a minimum side yard of ten (10) feet for single-family dwellings, fifteen (15) feet for townhouses and twenty-five (25) for multifamily dwellings.

5B-7-3 Rear yard:

Each principal structure shall have a minimum rear yard of twenty-five (25) feet or equal to the height of the structure, whichever is greater, measured from the adjacent rear ground to the peak or top of the roof line.

5B-7-4 Yard requirements, accessory uses or structures:

Each accessory use or structure shall be located no closer than five (5) feet to the side or rear lot lines.
(Ord. of 5-24-1989)

ARTICLE 5C. RESIDENTIAL DISTRICT R-4

5C-1. Statement of intent.

This district provides for high-density, multifamily uses to ensure a diversity of housing units and adequate rental units for County residents. Located along high-access highways, these uses provide a transition to higher-density uses from the rural area and offer a significant alternate for elderly, young families and single professionals. This district also establishes the requisites of land, open space and recreation to create a community character for these uses. Maximum development density of the district is twelve (12) dwelling units per acre, and public sewer and water service is required.
(Ord. of 5-24-1989)

5C-2. Use regulations.

The following regulations shall apply in all R-4 Districts:

5C-2-1 Principal uses and structures:

5C-2-1.1 Multifamily dwellings or condominiums served by an approved public water and sewer system of adequate capacity to accommodate the intended use, operated by a municipality or a public service corporation duly authorized by the Commonwealth of Virginia.

5C-2-1.2 Common open space and recreation as required: One thousand two hundred (1,200) square feet per dwelling unit.

5C-2-1.3 All uses permitted in the R-1, R-2 and R-3 Districts, provided that all dwellings are served by an approved public water and sewer system of adequate capacity to accommodate the intended use, operated by a municipality or public service corporation duly authorized by the Commonwealth of Virginia.

5C-2-2 Accessory uses and structures:

5C-2-2.1 Accessory uses and structures customarily incidental to permitted uses in the district.

5C-2-3 Off-street parking:

Off-street parking as required in Article 10.

5C-2-4 Nameplates and signs:

Nameplates and signs as permitted and regulated in Article 11.
(Ord. of 5-24-1989)

5C-3. Height regulations.

5C-3-1 Building height:

Same as provided for in the R-3 District.
(Ord. of 5-24-1989)

5C-4. Area regulations.

5C-4-1 Minimum lot area:

The minimum lot area for permitted uses shall be five (5) acres.
(Ord. of 5-24-1989)

5C-5. Lot coverage.

5C-5-1 Maximum coverage area:

All buildings, including accessory structures, shall not cover more than thirty-five percent (35%) of the total lot area.
(Ord. of 5-24-1989)

5C-6. Setback regulations.

5C-6-1 Setback line:

The setback line shall be located one hundred (100) feet or more from all street right-of-way lines. In the case of a corner lot, no structure shall be closer than sixty (60) feet to the right-of-way line of the side street.
(Ord. of 5-24-1989)

5C-7. Width and yard regulations.

5C-7-1 Minimum lot width:

The minimum lot width at the setback line shall be two hundred (200) feet.

5C-7-2 Side yard:

Each principal structure shall have a side yard of twenty-five (25) feet, except that the side yard abutting an R-1 or R-2 District shall be fifty (50) feet.

5C-7-3 Rear yard:

Each principal structure shall have a rear yard of 35 feet or equivalent to the height of the structure, whichever is greater.

5C-7-4 Multiple principal structures per lot:

Whenever there is more than one (1) detached principal structure on a lot, a side yard shall be provided of thirty (30) feet or more between structures measured from the nearest building walls (excluding porches, balconies, stairs and eaves).

5C-7-5 Minimum setbacks, accessory uses and structures:

Accessory uses and structures shall be no closer than ten (10) feet to any side or rear property line.
(Ord. of 5-24-1989)

ARTICLE 5D. RESIDENTIAL MOBILE HOME PARKS DISTRICT RMH

5D-1. Statement of intent; applicability.

This district is intended to accommodate mobile home parks exclusively. This district is based on the premise that the demand for mobile homes can best be supplied by the designation of mobile home parks in which the amenities normally found in a substantial residential neighborhood may be obtained. To these ends, mobile home parks are a medium-density residential area normally located adjacent to an existing state highway near commercial areas or employment centers, and open areas where similar development is planned and/or likely to occur. No home occupations are permitted.
(Ord. of 5-2-1972)

5D-2. Use regulations.

The following regulations shall apply in all RMH Districts.*

5D-2-1 Principal uses and structures:

Structures to be erected or land to be used shall be for some combination of the following uses:

5D-2-1.1 Mobile home parks.

5D-2-1.2 Accessory structures.

5D-2-1.3 Churches, parish houses and Sunday schools.

5D-2-1.4 Parks and playgrounds.

5D-2-1.5 Streets and access ways.

5D-2-2 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

5D-2-2.1 Off-street parking as required in Article 10.

5D-2-2.2 Public utilities, including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage.

5D-2-2.3 Nameplates and signs are permitted in Article 11.
(Ord. of 5-2-1972)

*__Note—__For supplemental regulations, see Article 9.

5D-3. Area regulations.

5D-3-1 Minimum park area:

The minimum area for each mobile home park shall be ten (10) acres.
(Ord. of 5-2-1972)

5D-4. Lot size.

5D-4-1 Area:

The minimum area for an individual mobile home lot shall be four thousand (4,000) square feet; provided, however, that parks without central sewerage facilities shall locate no more than three (3) units to an acre of land for the first thirty (30) units and no more than two (2) units to an acre for all units in addition to the first thirty (30) units with an overall density of no more than two and one-half (2½) units to the acre.
(Ord. of 1-2-1973)

5D-4-2 Width:

The minimum width for each mobile home lot shall be forty (40) feet, except that for any mobile home unit greater than twelve (12) feet in width, the minimum lot width shall be sixty (60) feet.
(Ord. of 5-2-1972)

5D-5. Yard and setback regulations.

5D-5-1 Minimum distance between mobile homes:

No mobile home shall be placed within fifteen (15) feet of another; provided, however, that with respect to mobile homes parked end to end, the distance between mobile homes so parked shall be no less than ten (10) feet.

5D-5-2 Setback from lanes within park:

Mobile homes within the park shall be set back no less than twenty (20) feet from the right-of-way line of any lane or driveway. In the case of a corner lot, no mobile home shall be located closer than fifteen (15) feet from the right-of-way line of the side line or driveway.

5D-5-3 Setback from public streets:

The first lot within the mobile home park shall be located no less than fifty (50) feet from any public street right-of-way which is fifty (50) feet or greater in width, or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. In no case shall any structure be located closer to the street than the setback line.
(Ord. of 5-2-1972)

5D-6. Required improvements.

5D-6-1 Location:

Each mobile home lot shall be located on a well-drained site to ensure rapid drainage and freedom from stagnant pools of water.

5D-6-2 Markers for mobile home lots:

Every mobile home lot shall be clearly defined by markers posted and maintained in a conspicuous place on each lot corresponding to the number of each lot as shown on the site plan submitted.

5D-6-3 Patio:

A patio of one hundred (100) square feet shall be installed for each mobile home. Said patio shall be constructed of asphalt or concrete and shall be no less than three (3) inches thick.

5D-6-4 Garbage container:

Each trailer lot within a mobile home park shall be provided with at least one (1) tight-fitting, closed-top garbage or trash container with disposal provided at a frequency to assure it will not overflow.
(Ord. of 5-2-1972)
Cross reference—Solid waste, Ch. 11.

5D-7. Streets.

5D-7-1 Minimum width:

The minimum lane or driveway right-of-way on which an individual mobile home lot within a mobile home park fronts shall be 40 feet in width, in cases where driveways dead-end, a cul-de-sac with a minimum turning radius of one hundred (100) feet shall be constructed.

5D-7-2 Surface:

All driveways and lanes shall be surfaced and maintained for a width of twenty (20) feet thereof with a durable dustproof hard material. The minimum material which will meet these requirements will be a two-shot bituminous treatment applied on a base of not less than six (6) inches of compacted bank gravel or equal.

5D-7-3 Access to public street:

All driveways and lanes shall have unobstructed access to a public street or highway. Driveway entrances to mobile home parks from any public street or road shall conform to the current construction standards of the Virginia Department of Transportation.

5D-7-4 Inspection:

Before construction of any driveway or lane shall commence, notice shall be given to the authorized agent of the Board of Supervisors so that proper inspection can be made.
(Ord. of 5-2-1972)

5D-8. Parking.

Parking spaces shall be provided at the rate of at least two (2) car spaces for each mobile home lot in a mobile home park.
(Ord. of 5-2-1972)

5D-9. Water supply.

An adequate supply of water, approved by the health department, shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, with supply faucets located on each trailer lot. No drinking water containers or fountains shall be located in any room housing toilet facilities. All waterlines shall be made frost-free.
(Ord. of 5-2-1972)
Cross reference—Water supply ordinance, Ch. 14.

5D-10. Sewerage facilities.

In each mobile home park, all waste or wastewater (including such waste or wastewater from mobile homes) from a faucet, toilet, tub, shower, sink, slop sink, drain, washing machine, garbage

disposal unit or laundry shall empty into a sewer system approved by the health department and installed in accordance with the health department specifications.
(Ord. of 5-2-1972)

5D-11. Lighting.

Public areas of mobile home parks shall be adequately lighted so as to permit safe movement of vehicles and pedestrians at night.
(Ord. of 5-2-1972)

5D-12. Playgrounds.

Each mobile home park shall provide park and/or playground space, specifically and exclusively for that purpose, at a rate of two thousand (2,000) square feet per mobile home lot and a minimum of twenty thousand (20,000) square feet per park.
(Ord. of 5-2-1972)

5D-13. Additions to mobile homes.

No structure shall be affixed to any mobile home in a mobile home park nor shall any accessory structure be permitted on any mobile home lot except those structures required by this ordinance. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home nor to any expansion unit or accessory structure specifically manufactured for mobile homes. The lot coverage of a mobile home, together with an expansion or accessory structure permitted thereto by this ordinance, shall not exceed twenty percent (20%) of the total mobile home lot area.
(Ord. of 5-2-1972)

5D-14. Height regulations.

No mobile home shall exceed fourteen (14) feet in height nor shall any storage facility or other accessory structure permitted in this ordinance exceed the height of any mobile home which it serves. Utilities, television antennae and radio aerials are exempt.
(Ord. of 5-2-1972)

5D-15. Registration.

5D-15-1 Duty of park management to maintain register:

It shall be the duty of the park management to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall consist of the following information:

5D-15-1.1 The name and address of the owner; the make, model, year and registration number of the mobile home; and last place of location of each mobile home.

5D-15-1.2 The state where each mobile home is registered.

5D-15-1.3 The trailer lot number to which each mobile home is assigned.

5D-15-1.4 The date of arrival and of departure of each mobile home.

5D-15-2 Register to be available for inspection:

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

5D-15-3 Copy to be submitted to Commissioner of the Revenue:

A copy of said register shall be submitted to the Commissioner of the Revenue, Culpeper County, on December 31 of each year.
(Ord. of 5-2-1972)

5D-16. Requirements for permitted uses.

5D-16-1 Site plans:

Before a zoning permit shall be issued or construction begun on any permitted use in this district, detailed site plans indicating compliance with the substantive provisions of this ordinance shall be submitted to the zoning administrator for study. Modifications of the plans may be required.

5D-16-2 Application for zoning permit:

The application for a zoning permit shall be acted upon by the Planning Commission before submission to the Culpeper County Board of Supervisors.
(Ord. of 5-2-1972)

ARTICLE 6.1. GRANDFATHERING OF PARCELS ZONED C-2 AND H-1

6.1-1. Parcels zoned C-2 and H-1.

Those uses allowable now in the Articles repealed by ordinance of 11-6-1991, the C-2 and H-I Zoning Districts, are hereby fully grandfathered and retained for the purpose of regulation of those properties so zoned on the current and future official Culpeper County Zoning Maps. Former Articles 6 and 6A are documented in Appendix C of the Code of the County of Culpeper.
(Ord. of 11-6-1991)

ARTICLE 6.1A. CONVENIENCE CENTER DISTRICT C-C

6.1A-1. Statement of intent.

This district provides for minimal convenience commercial uses to serve rural residents and supplement neighborhood and community areas. Typically a country store providing essential goods in the rural areas, a number of uses are included to consolidate facilities at the crossroads of rural activity rather than spread along highways or isolated as home occupations. The convenience center is the first stage of commercial services and is intended for only those uses of immediate need to a limited rural area.
(Ord. of 11-6-1991)

6.1A-2. Use regulations.

The following regulations shall apply in all C-C Districts:

6.1A-2-1 Principal uses and structures:

6.1A-2-1.1 Permitted uses in the R-1 District.

6.1A-2-1.2 Antique shop.

6.1A-2-1.3 Beauty/barber shop.

6.1A-2-1.4 Church.

6.1A-2-1.5 Community building.

6.1A-2-1.6 Convenience or general store [maximum five thousand (5,000) square feet].

6.1A-2-1.7 Delicatessen.

6.1A-2-1.8 Laundromat and dry cleaning pick-up station.

6.1A-2-1.9 Post office.

6.1A-2-1.10 Real estate office.

6.1A-2-1.11 Tailor and dressmaker/seamstress.

6.1A-2-1.12 Those uses permitted in the R-3 District identified for multifamily dwelling as a mixed commercial-residential structure, subject to the regulations of the R-3 District.
(Ord. of 11-6-1991)

6.1A-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1A-2-2.1 Gasoline station (sale only).

6.1A-2-2.2 Private clubs.

6.1A-2-2.3 Private schools.

6.1A-2-2.4 Professional offices.

6.1A-2-2.5 Rooming or boarding house.
(Ord. of 11-6-1991)

6.1A-3. Minimum lot area.

The minimum lot area shall be one (1) acre.
(Ord. of 11-6-1991)

6.1A-4. Lot coverage.

Lot coverage shall be: Sixty percent (60%) maximum (structure area); twenty percent (20%) green space.
(Ord. of 11-6-1991)

6.1A-5. Lot width.

Lot width shall be eighty (80) feet at the setback line.
(Ord. of 11-6-1991)

6.1A-6. Setback.

Setback shall be: fifty (50) feet from the right-of-way; 40 feet on the side facing a street.
(Ord. of 11-6-1991)

6.1A-7. Side yard.

Side yards shall be ten (10) feet, each side.
(Ord. of 11-6-1991)

6.1A-8. Rear yard.

Side yards shall be ten (10) feet, each side.
(Ord. of 11-6-1991)

6.1A-9. Building height.

Building height shall be thirty (30) feet maximum [two stories] for commercial structure; all noncommercial, forty (40) feet.
(Ord. of 11-6-1991)

ARTICLE 6.1B. VILLAGE CENTER COMMERCIAL DISTRICT VC

6.1B-1. Statement of intent.

The Village Center District provides the primary focus for rural commercial services consolidated to cultural and geographic centers of the County. As a true neighborhood center, this district concentrates economic and social uses that characterize the rural village and create an area that integrates rural living functions. Uses include post office, convenience retail, neighborhood service, recreation and community uses that are the center of rural living and provide the source of self-sufficiency for the rural economy. These centers are also the cultural centers of the County or will become so as part of future development.
(Ord. of 11-6-1991)

6.1B-2. Use regulations.

The following regulations shall apply in all VC Districts:

6.1B-2-1 Principal uses and structures:

6.1B-2-1.1 Permitted uses in the R-2, R-3 and CC District.

6.1B-2-1.2 Apparel/clothing.

6.1B-2-1.3 Auto supplies [maximum two thousand five hundred (2,500) square feet].

6.1B-2-1.4 Bakery and confectionery.

6.1B-2-1.5 Banks and lending institutions.

6.1B-2-1.6 Blueprinting and photostating.

6.1B-2-1.7 Book and stationery store.

6.1B-2-1.8 Cabinet and furniture repair.

6.1B-2-1.9 Catalogue sales.

6.1B-2-1.10 Catering establishment.

6.1B-2-1.11 Dance studio.

6.1B-2-1.12 Day or child care.

6.1B-2-1.13 Doctor/dentist office.

6.1B-2-1.14 Florist.

6.1B-2-1.15 Funeral home.

6.1B-2-1.16 Gift and jewelry.

6.1B-2-1.17 General and professional offices.

6.1B-2-1.18 Hardware store.

6.1B-2-1.19 Health care clinics (not homes or institutions).

6.1B-2-1.20 Hobby/craft store.

6.1B-2-1.21 Interior decorating.

6.1B-2-1.22 Library.

6.1B-2-1.23 Locksmith.

6.1B-2-1.24 Music instruction, conservatory.

6.1B-2-1.25 Musical instruments, records, tapes.

6.1B-2-1.26 Newsstand.

6.1B-2-1.27 Pet shop.

6.1B-2-1.28 Pharmacy.

6.1B-2-1.29 Photo/film exchange and supplies.

6.1B-2-1.30 Public recreation (swimming pool, tennis courts, community center, etc.).

6.1B-2-1.31 Restaurant (excluding drive-ins).

6.1B-2-1.32 Retail stores.

6.1B-2-1.33 Secondhand stores.

6.1B-2-1.34 Shoe repair.

6.1B-2-1.35 Small appliance sales, repair.

6.1B-2-1.36 Tobacco sales.

6.1B-2-1.37 Video sales/rentals.

6.1B-2-1.38 Wholesale broker (excluding storage).
(Ord. of 11-6-1991)

6.1B-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1B-2-2.1 Animal hospital, clinic.

6.1B-2-2.2 Auditorium/theater/assembly hall.

6.1B-2-2.3 Auto service station.

6.1B-2-2.4 Bed and breakfast.

6.1B-2-2.5 Clubs, lodges.

6.1B-2-2.6 Elderly nursing homes, halfway houses for retarded persons.

6.1B-2-2.7 Fire, rescue station.

6.1B-2-2.8 Gasoline station (sales only).

6.1B-2-2.9 Health club (spa, gym, tennis club).

6.1B-2-2.10 Miniature golf course.

6.1B-2-2.11 Mini self storage [wholly enclosed units, maximum four hundred (400) square feet per unit, no outdoor storage].

6.1B-2-2.12 Private recreation/amusement (billiards, bowling alley)
(Ord. of 11-6-1991)

6.1B-3. Minimum lot area.

The minimum lot area shall be: one (1) acre.
(Ord. of 11-6-1991)

6.1B-4. Lot coverage.

Lot coverage shall be fifty percent (50%) maximum; two thousand (2,000) square feet open space per dwelling unit.
(Ord. of 11-6-1991)

6.1B-5. Lot width.

Lot width shall be sixty (60) feet.
(Ord. of 11-6-1991)

6.1B-6. Setback.

Setback shall be fifty (50) feet from the right-of-way; thirty (30) feet on the side facing a street.
(Ord. of 11-6-1991)

6.1B-7. Side yard.

Side yards shall be zero (0) feet; fifteen (15) feet adjacent to an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

6.1B-8. Rear yard.

Rear yard shall be ten percent (10%) of lot depth, but not less than twelve (12) feet.
(Ord. of 11-6-1991)

6.1B-9. Building height.

Building height shall be 35 feet maximum [three stories].
(Ord. of 11-6-1991)

ARTICLE 6.1C. COMMERCIAL SERVICES DISTRICT CS

6.1C-1. Statement of intent.

This district provides for community and business services that need accessibility and independent siting to serve the community. Such services include tourism activities, development, supplies, agricultural services and complementary business activities. These are intense commercial uses requiring special access, buffering and land coordination conditions to successfully be integrated into the orderly pattern of commercial uses.
(Ord. of 11-6-1991)

6.1C-2. Use regulations.

The following regulations shall apply in all CS Districts:

6.1C-2-1 Principal uses and structures:

6.1C-2-1.1 Permitted uses in the R-2 District.

6.1C-2-1.2 Auto, trailer sales and service.

6.1C-2-1.3 Boat sales, service.

6.1C-2-1.4 Building materials (indoor storage only).

6.1C-2-1.5 Business/trade schools.

6.1C-2-1.6 Discount stores.

6.1C-2-1.7 Feed stores.

6.1C-2-1.8 Frozen food locker.

6.1C-2-1.9 Furniture and appliances.

6.1C-2-1.10 Garden and landscape center.

6.1C-2-1.11 General contractor (screened equipment storage).

6.1C-2-1.12 Hardware store.

6.1C-2-1.13 Home supplies.

6.1C-2-1.14 Machinery and tool sales, service, rental.

6.1C-2-1.15 Motel, hotel.

6.1C-2-1.16 Passenger terminals.

6.1C-2-1.17 Plumbing and electrical supplies.

6.1C-2-1.18 Printing and publishing.

6.1C-2-1.19 Restaurants.

6.1C-2-1.20 Sign printing.

6.1C-2-1.21 Self service car wash.

6.1C-2-1.22 Upholstery.
(Ord. of 11-6-1991)

6.1C-2-2. Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1C-2-2.1 Auction house.

6.1C-2-2.2 Car wash.

6.1C-2-2.3 Convalescence home.

6.1C-2-2.4 Drive-in business.

6.1C-2-2.5 Gasoline sales.

6.1C-2-2.6 Golf driving range.

6.1C-2-2.7 Health care institution.

6.1C-2-2.8 Hospital.

6.1C-2-2.9 Skating rink.

6.1C-2-2.10 Solid waste transfer station and recycling centers.

6.1C-2-2.11 Wholesale and storage, if wholly contained within structures.
(Ord. of 11-6-1991)

6.1C-3. Minimum lot area.

Lot coverage shall be forty percent (40%) maximum, storage yards must be screened and landscaped.
(Ord. of 11-6-1991)

6.1C-5. Lot width.

Lot width shall be one hundred (100) feet.
(Ord. of 11-6-1991)

6.1C-6. Setback.

Setback shall be one hundred twenty-five (125) feet from right-of-way on primary road; eighty (80) feet from right-of-way on secondary road; twenty-five (25) feet of parking setback from right-of-way or property line.
(Ord. of 11-6-1991)

6.1C-7. Side yard.

Side yards shall be twenty-five (25) feet; fifty (50) feet from an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

6.1C-8. Rear yard.

Rear yards shall be equal to the height of the building (bridge or top of parapet), but not less than thirty (30) feet.
(Ord. of 11-6-1991)

6.1C-9. Building height.

Building height shall be forty-five (45) feet maximum [four stories].
(Ord. of 11-6-1991)

ARTICLE 6.1D. OFFICE DISTRICT OC

6.1D-1. Statement of intent.

This district is provided exclusively for office and office parks. The traffic, utility and intensity of office uses make them a unique land use requiring individual attention and the opportunity to consolidate uses in a coordinated setting.
(Ord. of 11-6-1991)

6.1D-2. Use regulations.

The following regulations shall apply in all OC Districts:

6.1D-2-1 Principal uses and structures:

6.1D-2-1.1 Medical, professional and general offices.
(Ord. of 11-6-1991)

6.1D-2-2 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

6.1D-2-2.1 Retail, business services and commercial recreation occupying not more than fifteen percent (15%) of the gross first floor area and integral to the principal structure and uses.
(Ord. of 11-6-1991)

6.1D-3. Minimum lot area.

Minimum lot area shall be two (2) acres.
(Ord. of 11-6-1991)

6.1D-4. Lot coverage.

Lot coverage shall be forty percent (40%) maximum; maximum 1.00 floor area ratio.
(Ord. of 11-6-1991)

6.1D-5. Lot width.

Lot width shall be one hundred (100) feet.
(Ord. of 11-6-1991)

6.1D-6. Setback.

Setback shall be one hundred twenty-five (125) feet from the right-of-way on secondary road; twenty-five (25) feet of parking setback from the right-of-way or property line.
(Ord. of 11-6-1991)

6.1D-7. Side yard.

Side yard shall be twenty (20) feet; twenty-five (25) feet from an A, R, or RA District.
(Ord. of 11-6-1991, 6-12-1996)

6.1D-8. Rear yard.

Rear yard shall be twenty-five (25) feet for a three-story structure; fifty (50) feet for a four-story structure.
(Ord. of 11-6-1991)

6.1D-9. Building height.

Building height shall be forty-five (45) feet maximum [four stories].
(Ord. of 11-6-1991)

6.1D-10. Special provisions.

A traffic study is required along with demonstration of adequate sewer and water capability. The site shall be self-contained with planned structures, access, circulation, signage and landscaping in an integrated site design.
(Ord. of 11-6-1991)

ARTICLE 6.1E. SHOPPING CENTER DISTRICT SC

6.1E-1. Statement of intent.

A planned center for the consolidation of retail and commercial uses allowed in the CC, VC and OC Districts. Facilities must be designed as a cohesive unit with coordinated access, circulation, parking, signage, landscaping and services to provide a unified commercial area commensurate and directly related to the area to be served and the scale of services provided. Service area and support must be demonstrated along with adequate public facilities.
(Ord. of 11-6-1991)

6.1E-2. Permitted uses; type of center.

Permitted uses and type of center shall be:

6.1E-2-1 Convenience Center:

These centers are characterized by a convenience or country store, post office and other related uses serving a small rural area. Uses are limited to CC and VC permitted uses in areas identified as Convenience Centers in the Comprehensive Plan. A location on an arterial highway or at the intersection of collector or local streets is required.

6.1E-2-2 Village Center:

The center of rural villages as identified in the Comprehensive Plan, these centers have a supermarket, pharmacy and diverse commercial good available for area residents. Primarily serving resident population [at least sixty percent (60%)], the Village Center is located on or within one-half (½) mile of an arterial highway.

6.1E-2-3 Community Center:

This type of shopping center serves two (2) or more village areas and may draw equally resident and nonresident consumers. This center must be located at a major intersection and within one (1) mile of a second arterial highway.

6.1E-2-4 Regional Center:

This category is for plaza and mall type development of a full range of retail services. Immediate access to an arterial intersection is required along with demonstration of at least thirty percent (30%) of market area from County residents without compromising existing retail facilities.
(Ord. of 11-6-1991)

6.1E-3. Regulations.

Regulations for centers shall be:

Requirement	*Village Center*	*Convenience Center*
Primary establishment	Convenience store	Supermarket pharmacy
Market area (miles)	1½ to 3	2½ to 5
Minimum resident support (population)	1,000	2,000
Gross square feet	5,000 to 20,000	20,000 to 100,000
Minimum lot size (acres)	2	5
Open space	10%	10%
Side yard (feet)	15	25
Rear yard (feet)	35	50
Setback (feet)	50	50
Lot coverage	50	50
Height (feet)	30	35

Requirement	*Regional Center*	*Community Center*
Primary establishment	Variety, junior department store	Department store 1 or more anchors
Market area (miles)	3 to 10	5 to 20
Minimum resident support population	8,000	30,000 plus
Gross square feet	100,000 to 300,000	300,000 plus
Minimum lot size (acres)	10	50
Open space	20%	30%
Side yard (feet)	40	50
Rear yard (feet)	75	100
Setback (feet)	100	150
Lot coverage	40%	35%
Lot width	None required	None required

Requirement	*Regional Center*	*Community Center*
Height (feet)	40	45

(Ord. of 11-6-1991)

6.1E-4. Special provisions.

6.1E-4-1 Parking areas:

Parking areas are not allowed in yard or setback areas except in community or regional centers where no more than fifty percent (50%) of the yard, setback area may be used for parking. Minimum gross site green space of five percent (5%) is required in all parking areas. Parking lots and buffers shall be landscaped. Parking for community centers and regional mall shall be five and five-tenths spaces per one thousand (1,000) square feet.

6.1E-4-2 Traffic and market analysis required:

Traffic analysis is to include trip generation and distribution, network assignment, five-and ten-year projection of network volumes and entry capacities. Market analysis to include trade area, population, competitive facilities, consumer potential and projection of support for retail and commercial services by group. Demonstration of the noncompetitive population base identified in the type of center characteristics is also required. Analysis is to be from an independent, non-biased source with data and analytical techniques documented and open to inspection by the County.

6.1E-4-3 Concept plan required:

A concept plan is required indicating the overall site layout, coordination of principal structures, access, circulation, storm water management and utilities. Consolidated signage and landscape will be required.

6.1E-4-4 Final site plan required:

A final site plan of development shall be required after concept plan approval in accordance with Article 20 of this Chapter.
(Ord. of 11-6-1991)

ARTICLE 7.1. GRANDFATHERING OF PARCELS ZONED M-1 AND M-2

7.1-1. Parcels Zoned M-1 and M-2.

Those uses allowable now in the Articles repealed by ordinance of 11-6-1991, the M-1 and M-2 Zoning Districts, are hereby fully grandfathered and retained for the purpose of regulation of those properties so zoned on the current and future official Culpeper County Zoning Maps. Former Articles 7 and 8 are documented in Appendix C of the Code of the County of Culpeper.
(Ord. of 11-6-1991)

ARTICLE 7.1A. LIGHT INDUSTRY-INDUSTRIAL PARK DISTRICT LI

7.1A-1. Statement of intent.

This district provides for light industry, research and development and related uses in planned park setting and/or at appropriate locations within the community. Related uses include offices, limited retail, assembly and accessory uses designed to be integrated within the community as a unit rather than isolated activities. Activities will be carried out in a planned layout with coordinated use, circulation, access, development staging and infrastructure.
(Ord. of 11-6-1991)

7.1A-2. Use regulations.

The following regulations shall apply in all LI Districts:

7.1A-2-1 Prohibited uses:

7.1A-2-1.1 Residential structures and uses.
(Ord. of 11-6-1991)

7.1A-2-2 Permitted uses:

7.1A-2-2.1 Assembly of appliances, instruments, devices, radios, machine parts and office machines.

7.1A-2-2.2 Data processing and computing office machines.

7.1A-2-2.3 Dry cleaners and laundries.

7.1A-2-2.4 Fabrication of metal products, such as bicycles, toys, jewelry, furniture, instruments, but excluding sheet metal products.

7.1A-2-2.5 Fabrication of wood products such as cabinetry, furniture, toys, boats and woodworking.

7.1A-2-2.6 Indoor sports facility.

7.1A-2-2.7 Manufacture, assembly and processing of products from previously prepared materials including: electrical and electronic components and equipment; musical, scientific, medical, dental and photographic equipment; pharmaceutical, cosmetics, toiletries; frozen foods, beverage, confections, horticultural products; clothing and textiles.

7.1A-2-2.8 Manufacture of pottery and clay or ceramic products using only previously pulverized clay and kilns fired by electricity or natural gas.

7.1A-2-2.9 Office uses that comprise no more than thirty percent (30%) of a principal structure or group of structures on a single site.

7.1A-2-2.10 Printing and publishing.

7.1A-2-2.11 Public utility booster or relay stations, substations, transmission lines and towers, and water and sewer facilities.

7.1A-2-2.12 Radio and television studios and broadcasting facilities.

7.1A-2-2.13 Research and development activities, including laboratories, testing, prototype manufacture, experimental work and related operations.

7.1A-2-2.14 Wholesale and warehouse operations.

7.1A-2-2.15 Ancillary uses comprising no more than ten percent (10%) of the gross first floor area of the principal structure and limited to banks, credit unions and savings institutions; business machine and computer sales, service; barber, beauty shops; cafeteria, lunchroom, snack shops and newsstands; child care facility; conve-

nience store; travel bureau; telegraph office, message service; and employee recreation.

7.1A-2-2.16 Accessory uses including company vehicle service (indoor only), heliport, parking garage, retail sales of products made on premises [no more than five percent (5%) of gross floor area], motor, fuel, facilities and single night watchman or caretaker facilities that do not exceed fifteen percent (15%) of the total lot area.
(Ord. of 11-6-1991)

7.1A-2-3 Conditional uses:

The following uses may also be permitted subject to securing a special use permit as provided for in Article 17:

7.1A-2-3.1 Automobile repair, painting, upholstery, dismantling, assembly.

7.1A-2-3.2 Boat building.

7.1A-2-3.3 Debris, landfill and transfer stations, subject to screening and acceptable soil conditions, state permitting, annual inspection and restriction on any burning. Adequate buffer and demonstration of compatibility with adjacent uses without nuisance is required prior to special permit approval.

7.1A-2-3.4 Processing of extracted minerals and resources and related wholesale operations subject to the screening and landscaping of any outdoor stockpile and storage.

7.1A-2-3.5 Outdoor storage subject to screening and landscaping. Storage of explosive or hazardous materials incidental to production or use.

7.1A-2-3.6 Truck terminal, transfer and dispatch.

7.1A-2-3.7 Welding and machine shops, excluding punch presses exceeding 40-ton rated capacity.
(Ord. of 11-6-1991)

7.1A-2-3.8 Amphitheaters, amusement parks, arenas, auditoriums, fairgrounds, race tracks, stadiums or similar public gathering facilities mainly intended for recreational uses. Ancillary and related uses such as associated offices, equipment testing facilities, assembly, food services and the like are also permitted.
(Ord. of 9-7-1993)

Editor's note—Amendment of 9-7-1993 added § 7.1A-2-3.8 as a special permit use.

7.1A-2-4 Restricted uses:

7.1A-2-4.1 The use of land or structure that may be hazardous, noxious, injurious by reason of production or emission of dust, smoke, refuse, odor, fumes, noise, glare, vibration or similar components is prohibited.

7.1A-2-4.2 Fuels or flammable liquids shall be stored only in accordance with DPA/SPPC regulations.

7.1A-2-4.3 Noise, glare or vibration that is discernable beyond the property line is prohibited. Lighting shall be diffused and hooded or screened so as to not spread to adjacent properties or roadways.

7.1A-2-4.4 No unneutralized refuse shall be discharged into sewers, ditches, streams or on the land.
(Ord. of 11-6-1991)

7.1A-3. Minimum lot area.

Minimum lot area shall be one (1) acre.
(Ord. of 11-6-1991)

7.1A-4. Lot coverage.

Lot coverage shall be fifty percent (50%) one and zero-hundredths floor area ratio with twenty percent (20%) minimum green space.
(Ord. of 11-6-1991)

7.1A-5. Lot width.

Lot width shall be 150 feet.
(Ord. of 11-6-1991)

7.1A-6. Setback.

Setback shall be seventy-five (75) feet from the right-of-way. No LI use shall be located on any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street right-of-way than the setback line. Setback

shall be forty (40) feet on the side facing the street. The setback for parking and accessory uses other than structures is twenty (20) feet.
(Ord. of 11-6-1991)

Editor's note—In the second sentence, "M-1" was changed to "LI" to correct a typographical error.

7.1A-7. Side yard.

Side yards shall be twenty-five (25) feet on each side plus one (1) foot for each additional foot above fifteen (15) feet of structure height. A side yard of ten (10) feet is required for parking, loading, drives and accessory uses.
(Ord. of 11-6-1991)

7.1A-8. Rear yard.

Rear yards shall be ten percent (10%) of the lot depth, but need not exceed thirty (30) feet.
(Ord. of 11-6-1991)

7.1A-9. Building height.

Building height shall be 35 feet; maximum three (3) stories.
(Ord. of 11-6-1991)

7.1A-10. Special provisions.

7.1A-10-1 Screening or fencing required:

All side and rear lot line abutting an A, R, or RA District shall be screened or fenced with solid materials to provide a visual barrier to adjacent uses and restrict the spread of glare and noise.
(Ord. of 6-12-1996)

7.1A-10-2 Front yard use:

No truck storage, parking, loading or stacking areas are allowed in the front yard.

7.1A-10-3 Concept plan required:

A concept plan is required identifying layout of uses, circulation, infrastructure, major parking facilities and storm water management.

7.1A-10-4 Environmental impact assessment required:

Environmental assessment of significant impacts is required.
(Ord. of 11-6-1991)

ARTICLE 7.1B. INDUSTRIAL DISTRICT HI

7.1B-1. Statement of intent.

The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to:

7.1B-1-1 Encourage the construction of and the continued use of the land for heavy commercial and industrial purposes.

7.1B-1-2 Prohibit residential and neighborhood commercial use of the land and to prohibit another use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district or compromise the investment in industrial activity.

7.1B-1-3 To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Article.
(Ord. of 11-6-1991)

7.1B-2. Use regulations.

The following regulations shall apply in all HI Districts.

7.1B-2-1 Prohibited uses:

7.1B-2-1.1 All residential structures and uses, excluding a night watchman, caretaker or resident security facility limited to five percent (5%) of the structure.
(Ord. of 11-6-1991)

7.1B-2-2 Permitted uses:

In Industrial District HI, buildings to be erected or land to be used shall be for one (1) or more of the following uses:

7.1B-2-2.1 All permitted uses in the LI District.

7.1B-2-2.2 All conditional uses in the LI District except for debris landfill and transfer stations (7.1A-2-3.3) and public gathering facilities (7.1A-2-3.8).
(Ord. of 8-5-1997)

Editor's note—Amendment of 8-5-1997 clarified which uses are permitted by right and which are permitted only by use permit in the Industrial District HI.

7.1B-2-3 Conditional uses:

The following uses may also be permitted subject to securing a use permit as provided for in Article 17:

7.1B-2-3.1 Uses permitted and special uses in the Commercial Services (CS) and Shopping Center (SC) Districts shall be allowed.

7.1B-2-3.2 Amphitheaters, amusement parks, arenas, auditoriums, fairgrounds, race tracks, stadiums or similar public gathering facilities mainly intended for recreational uses. Ancillary and related uses such as associated offices, equipment testing facilities, assembly, food services and the like are also permitted.

7.1B-2-3.3 Debris landfill and transfer stations, subject to screening and acceptable soil conditions, state permitting, annual inspection and restriction on any burning. Adequate buffer and demonstration of compatibility with adjacent uses without nuisance as required prior to special permit approval.

7.1B-2-3.4 Other uses not allowed as either permitted or conditional uses in any other zoning district of this ordinance.
(Ords. of 11-6-1991; 8-5-1997)

Editor's note—Amendment of 8-5-1997 clarified which uses are permitted by right and which are permitted only by use permit in the Industrial District HI.

7.1B-2-4 Off-street parking:

Off-street parking as required in Article 10.

7.1B-2-5 Nameplates and signs:

Nameplates and signs as permitted in Article II.
(Ord. of 11-6-1991)

7.1B-3. Performance standards.

7.1B-3-1 Performance standards:

It is the intent of this Article to prevent any building, structure or land in the HI District from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution, electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area. Any use proposed and/or proposed and established under the HI District may be undertaken and maintained if it conforms to all County regulations, including the regulations of this section referred to herein as "performance standards." No use shall hereafter be established or conducted in any HI District in any manner in violation of the following performance standards.

7.1B-3-2 Noise:

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no case shall the sound-pressure level of noise radiated from any establishment, measured at the nearest lot line, exceed the values in any octave band of frequency set forth in Table I below or in Table I as modified in the correction factors provided in Table II below. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer conforming to standards prescribed by the American Standards Association.

Table I
Maximum Permissible Sound Pressure Levels Measured at the Lot Line or Midpoint of Distance Between Two Buildings on the Same Lot with Different Uses

Frequency Band: (Cycles per second)	*Sound Pressure Levels (decibels re 0.0002 dyne per CM**
20-75	74
76-150	62
151-300	57
301-600	51
601-1,200	47
1,201-2,400	42
2,401-4,800	38
4,801-10,000	35

Table II
Correction Factors

Condition	*Correction (in decibels)*
On a site contiguous to or across a street from the boundary of any residential zone established by this Chapter or by the zoning ordinance of any other country or any municipality	Minus 5
Operation between the hours of 10:00 p.m. and 7:00 a.m.	Minus 5
Noise of impulsive character (e.g., hammering)	Minus 5
Noise of periodic character (e.g., hum or screech)	Minus 5
Noise source operated less than:	
20% in any one-hour period	Plus 5*
5% in any one-hour period	Plus 10*
1% in any one-hour period	Plus 15*

Note—Apply only one (1) of these corrections. All other corrections [including any one (1) of the starred corrections] are cumulative.

7.1B-3-3 Vibration:

No vibration that can be detected at the lot line without the aid of instruments shall be permitted. Vibration caused by any use on any lot shall not result in acceleration exceeding 0.1g nor shall it produce a combination of amplitudes and frequencies on any building or structure beyond the "safe" range of Table 7, United

States Bureau of Mines Bulletin No. 442, entitled "Seismic Effects of Quarry Blasting." The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of the subsection.

7.1B-3-4 Smoke:

There shall not be discharged into the atmosphere from any operation on any lot visible gray smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines, except that visible gray smoke of a shade not darker than No. 3 on said chart may be emitted from not more than four (4) minutes in any period of thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of any other color but with an equivalent apparent opacity.

7.1B-3-5 Other air pollutants:

There shall not be discharged into the atmosphere from any operation on any lot fly ash, dust, dirt, fumes, vapors or gases to any extent that could result in damage to the public health or to animals or vegetation or to other forms of property, or which could cause any excessive soiling at any point; and in no event shall there be any such discharge of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air, nor of acid gases in excess of two-tenths percent (0.2%) by volume. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to stack temperatures of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air.

7.1B-3-6 Odor:

There shall not be discharged or permitted to escape into the atmosphere from any operation on any lot odorous or noxious gas or any other odorous or noxious material in such quantity as to be offensive beyond the premises from which such odors emanate. As a guide in determining such quantities of offensive odors, Table III (Odor Thresholds), Chapter 5. Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. shall be used.

7.1B-3-7 Radioactivity:

There shall be no radioactive emission that would be dangerous to the health and safety of persons on or beyond the premises where such radioactive material is used. Determination of the existence of such danger and the handling of radioactive materials, the discharge of such materials into the atmosphere and streams and other water, and the disposal of radioactive wastes shall be by reference to and in accordance with applicable current regulations of the Atomic Energy Commission, and in the case of items which would affect aircraft navigation or the control thereof, by applicable current regulations of the Federal Aviation Agency, and any applicable laws enacted by the General Assembly of the Commonwealth of Virginia.

7.1B-3-8 Electrical interference:

There shall be no electrical disturbance emanating from any lot that would adversely affect the operation of any equipment on any other lot or premises and in the case of any operation that would affect adversely the navigation or control of aircraft, the current regulations of the Federal Aviation Agency shall apply.

7.1B-3-9 Liquid or solid wastes:

There shall be no discharge of any liquid or solid wastes from any establishment into any stream except as authorized by the State Water Control Board and/or the Board of Supervisors, nor shall any wastes, debris or other discarded material be permitted to accumulate in any yard or open space on the premises.

7.1B-3-10 Glare and heat:

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion, welding or otherwise, so as to be visible beyond the lot line, shall be permitted except for signs, parking lot lighting and other lighting permitted by this Article or required by any other applicable regulation, ordinance or law. In all cases, lighting shall be diffused and hooded or screened so as not to

spread to adjacent properties or roadways. There shall be no discharge of heat or heated air from any establishment so as to be detectable beyond the lot line.

7.1B-4. Height regulations.

7.1B-4-1 Maximum building height:

Buildings may be erected up to seventy-five (75) feet in height from the adjacent ground elevation. For structures permitted above the height limit, see Article 9.
(Ord. of 11-6-1991)

7.1B-5. Area regulations.

7.1B-5-1 Minimum lot size:

The minimum lot size shall be two (2) acres.
(Ord. of 11-6-1991)

7.1B-6. Lot coverage regulations.

7.1B-6-1 Maximum lot coverage:

Lots may be covered up to sixty percent (60%) or up to a floor area ratio of one and fifty-hundredths (1.50).
(Ord. of 11-6-1991)

7.1B-7. Setback regulations.

7.1B-7-1 Setback line:

The setback line shall be located one hundred (100) feet from any street right-of-way which is fifty (50) feet or more in width. No HI District use shall be located on any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street right-of-way than the setback line.
(Ord. of 11-6-1991)

7.1B-8. Width regulations.

7.1B-8-1 Minimum width:

Width regulations shall be one hundred (100) feet, minimum.
(Ord. of 11-6-1991)

7.1B-9. Yard regulations.

7.1B-9-1 Side yard:

Ten feet on each side and one (1) additional foot for each foot above the first fifteen (15) feet of structure height. Where the side of a lot abuts an A, R, or RA District, there shall be maintained a minimum side yard of fifty (50) feet.
(Ord. of 6-12-1996)

7.1B-9-2 Rear yard:

The rear yard shall be equal to the height of the principal structure measured from the nearest rear grade level. There shall be a minimum rear yard of one hundred (100) feet where the lot abuts an A, R, or RA District.
(Ords. of 11-6-1991, 6-12-1996)

ARTICLE 8. RESERVED*

ARTICLE 8A. FLOODPLAIN OVERLAY DISTRICT (FP)†

8A-1. General Provisions.

8A-1-1 Establishment of District:

A Floodplain Overlay District (FP) is hereby established and shall apply to all areas of special flood hazards within the County of Culpeper, Virginia. The provisions of the Floodplain District take precedence over any other zoning district, zoning article or ordinance to the extent that the provisions of this section are inconsistent with such other provisions of ordinances.

8A-1-2 Purpose:

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

8A-1-2.1 Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

8A-1-2.2 Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.

8A-1-2.3 Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood proofed against flooding and flood damage.

8A-1-2.4 Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

8A-1-3 Applicability

These provisions shall apply to all lands within the jurisdiction of Culpeper County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

8A-1-4 Compliance and Liability

8A-1-4.1 No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

8A-1-4.2 The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

8A-1-4.3 This ordinance shall not create liability on the part of Culpeper County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8A-1-5 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in

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***Editor's note—**Former Art. 8. Industrial District M-2, was repealed by Ord. of 11-6-1991.

†**Editor's note—**Ordinance of 7-1-1997 repealed the former Article 8A of the Culpeper County Zoning Ordinance in its entirety, and adopted a new Article 8A to comply with section 60.3c of the national flood insurance program and was intended to prevent the loss of life and property.

Cross references—Prerequisite to issuance of permit for construction in flood hazard areas, § 6-1; findings and determinations as to flood protection in proposed subdivisions, § 6-2.

full force and effect to the extent that its provisions are more restrictive than this ordinance.

8A-1-6 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

8A-2. Definitions.

8A-2-1 Base Flood / One-Hundred Year Flood

A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

8A-2-2 Base Flood Elevation (BFE)

The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.

8A-2-3 Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

8A-2-4 Board of zoning appeals

The Board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

8A-2-5 Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

8A-2-6 Floodplain

Any land area susceptible to being inundated by water from any source.

8A-2-7 Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

8A-2-8 Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

8A-2-9 Lowest Floor

The lowest floor of the lowest enclosed area (including basement).

8A-2-10 Recreational Vehicle

A vehicle which is:

(a) built on a single chassis;

(b) four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

8A-2-11 Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

8A-2-12 Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and

which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

8A-3. Establishment of zoning districts.

8A-3-1 Basis of Districts

The floodplain district shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the district shall be the Flood Insurance Rate Maps (FIRM), prepared by the Federal Emergency Management Agency (FEMA), dated July 1, 1987 or the most recent revision thereof. The floodplain district shall consist of two (2) areas: Zone AE for which base flood elevations have been provided on the FIRM and Zone A for which base flood elevations have not been provided on the FIRM.

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the Flood Insurance Rate Maps. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Culpeper County Planning Department.

8A-3-2 Overlay Concept

(a) The Floodplain District described above shall be overlays to the existing underlying area as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions.

(b) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(c) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

8A-3-3 Official Zoning Map

The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Culpeper County offices.

8A-3-4 District Boundary Changes

The delineation of any of the Floodplain District may be revised by the Culpeper County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

8A-3-5 Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain District shall be made by the zoning administrator. Should a dispute arise from any interpretation by the zoning administrator concerning the boundaries of any of the Districts result in an appeal, the Board of zoning appeals shall hear such appeal as provided by law. The person questioning or contesting the

location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

8A-4. District provisions.

8A-4-1 General

8A-4-1.1 Permit Requirement-All uses, activities, and development occurring within any area designated as Zone AE or Zone A on the Flood Insurance Rate Maps (FIRM) shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances, including but not limited to the Virginia Uniform Statewide Building Code and the Culpeper County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

8A-4-1.2 Alteration or Relocation of Watercourse-Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental quality, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the division of soil and water conservation (department of conservation and recreation), and the federal insurance administration.

8A-4-1.3 Drainage Facilities-Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent property properties.

8A-4-1.4 Site Plans and Permit Applications-All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(a) For structures to be elevated, the elevation of the lowest floor (including basement).

(b) For structures to be flood proofed (non-residential only), the elevation to which the structure will be flood proofed.

(c) The elevation of the one hundred (100) year flood.

(d) Topographic information showing existing and proposed ground elevations.

8A-4-1.5 Encroachment provisions-

(a) No new construction or development shall be permitted within the floodplain district unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the one hundred (100) year flood elevation more than one (1) foot at any point.

(b) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100) year flood elevation.

8A-4-1.6 Recreational Vehicles-Recreational vehicles placed on sites shall either:

(a) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or

(b) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8A-4-2 Approximated Floodplain District

In the Approximated Floodplain District, new subdivision proposals and other proposed developments (including proposals for mobile or manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one (1) foot at any one (1) point. The engineering principle—equal reduction of conveyance—shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, no development shall be permitted that will cause any increase in the one hundred (100) year flood elevation.

8A-5. Use regulations.

8A-5-1 Permitted uses:

In the FP District, the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance.

8A-5-1.1 Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

8A-5-1.2 Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching, and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

8A-5-1.3 Accessory residential uses such as yard areas, gardens, play areas and pervious loading areas.

8A-5-1.4 Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, pervious airport landing strips, etc.

8A-5-2 Special uses:

The following uses and activities may be permitted by special use permit provided they are in compliance with the provisions of the underlying district, satisfy the applicable standards contained in Article 17 and are not prohibited by this or any other ordinance. (All uses, activities and developments shall be undertaken in strict compliance with the Flood proofing provisions contained in this and all other applicable codes and ordinances including, but not limited to, the Culpeper County Subdivision Ordinance, Zoning Ordinance and Building Regulations and the Virginia Uniform Statewide Building Code.)

8A-5-2.1 Structures, except for dwelling units, accessory to the uses and activities in section 8A-5-1 above.

8A-5-2.2 Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

8A-5-2.3 Water related uses and activities such as marinas, docks, wharves, piers, etc.

8A-5-2.4 Extraction of sand, gravel and other materials; dredging, filling, grading and channel improvements.

8A-5-2.5 Storage of materials and equipment provided they are either securely anchored or easily removable from the flood plain with minimal warning.

8A-5-2.6 Other similar uses and activities provided they cause no increase in flood heights and/or velocities as provided for in section 8A-4.

8A-5-3 Use limitations:

8A-5-3.1 The placement of any dwelling unit in a flood plain is prohibited.

8A-5-3.2 The location of any septic drain field within one hundred (100) feet of a flood plain is prohibited as is the land application of any solid waste and sanitary or septic sludge.

8A-5-3.3 The placement of any structure in a floodway is prohibited.

8A-5-3.4 Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system which would increase flood heights and/or velocities as defined in section 8A-4 subject to the following:

(a) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(b) Such fill or other materials shall be suitably protected against erosion by riprap, vegetation cover or bulkheading.

(c) Structures shall not be used for residential purposes.

(d) The structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters and have a low flood damage potential.

(e) Structures shall be firmly anchored to prevent flotation.

(f) Service facilities, such as electrical and heating equipment, shall be constructed at or above the flood plain elevation.

8A-5-3.5 Prior to any proposed relocation of any channels or floodways of any watercourse, stream, etc., approval shall be obtained by the State Water Control Board and from the U.S. Army Corps of Engineers, if required. Further notification of the proposal shall be given to all affected municipalities. Copies of such notifications shall be forwarded to the state water control board, the state department of intergovernmental affairs and the federal insurance administration.

8A-6. Variances.

8A-6-1 Factors to be Considered

In passing upon applications for Variances, the Board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

8A-6-1.1 The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway that will cause any increase in the one hundred (100) year flood elevation.

8A-6-1.2 The danger that materials may be swept on to other lands or downstream to the injury of others.

8A-6-1.3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

8A-6-1.4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

8A-6-1.5 The importance of the services provided by the proposed facility to the community.

8A-6-1.6 The requirements of the facility for a waterfront location.

8A-6-1.7 The availability of alternative locations not subject to flooding for the proposed use.

8A-6-1.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

8A-6-1.9 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

8A-6-1.10 The safety of access by ordinary and emergency vehicles to the property in time of flood.

8A-6-1.11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

8A-6-1.12 The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

8A-6-1.13 Such other factors which are relevant to the purposes of this ordinance.

8A-6-2 Referral

The Board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

8A-6-3 Determinations

Variances shall be issued only after the Board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances. Variances shall be issued only after the Board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

8A-6-4 Notification

The Board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

8A-6-5 Records to be Kept

A record shall be maintained of the above notification as well as all variance action, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

8A-7. Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

8A-7-1 Existing Structures

Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100) year flood elevation.

8A-7-2 Modifications less than fifty percent (50%)

Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an

extent or amount of less than fifty percent (50%) of its market value, elevation and/or flood proofing should be considered to the greatest extent possible.

8A-7-3 Modifications of 50% or More

The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of fifty percent (50%) or more of its market value shall be considered a substantial improvement and shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code.
(Ords. of 8-8-1987; 7-1-1997)

ARTICLE 8B. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

8B-1. Statement of intent.

8B-1-1 Intent:

This district is intended to accommodate the development of large tracts of land and provide incentive for design flexibility and the creation of a more desirable, coordinated living environment than would be possible under the strict application of traditional zoning. The regulations of this district are intended to recognize that changing community and land use trends have created a need for a consolidated zoning district which promotes an integrated planned community within which commercial, office, light industrial, research and development, residential, recreation and a variety of uses are conveniently linked.

8B-1-2 Objectives:

The objectives of the PUD District are generally:

8B-1-2.1 To promote the Comprehensive Plan of the community through compatible commercial, office, light industrial, residential and recreational components, each known as an activity area, within the same coordinated zoning district, in support of the "village centers" as contained in the Comprehensive Plan.

8B-1-2.2 To achieve the goals set forth in the Comprehensive Plan, including economic enhancement, provision of adequate services and public facilities and the orderly development of the County commensurate with the area proposed and the reasonable phasing of County infrastructure as identified in the Comprehensive Plan and/or scheduled in the Capital Improvement Program.

8B-1-2.3 To encourage and achieve a variety of high-quality residential development areas and provide housing to meet the varied needs of the County's population in locations and quantities that are in concert with the recommendations of the Comprehensive Plan.

8B-1-2.4 To promote architectural and design excellence through application of advanced community design concepts, which allows an orderly transition of land from rural to urban development.

8B-1-2.5 To reduce commuter demand on highways and roads by linking residential housing and recreational amenities with the workplace and other community functions.

8B-1-2.6 To provide a variety of housing types, employment opportunities, commercial, research and development, light industrial and recreation services to provide a balanced community that contributes to a cohesive living style in an integrated development environment.

8B-1-2.7 To provide for standards and development guidelines which will produce a harmonious atmosphere for the development of certain commercial, research and development and light industrial uses compatible with complementary residential, recreational and open space uses.

8B-1-2.8 To provide flexibility to develop the site in a manner which promotes the economic and efficient development of land use; provides improved public amenities; encourages appropriate and harmonious development; encourages creative design which is sensitive to the environment and which preserves and enhances specific historic sites and buildings; and promotes the conservation of unique natural features of the site as it relates to slope, size, shape, geology and other aspects of the land.

8B-1-2.9 To provide appropriate guidelines to provide for a mixture of uses which conserves existing environmental resources and features, provide usable passive and active open space and provide for the more effective development of utilities and public improvements.
(Ord. of 12-3-1991, § 8B-1)

8B-2. Application and procedures.

8B-2-1 Concept plan:

Any application for a PUD must be preceded by a concept plan at least ninety (90) days prior to any formal submission or consideration by the Planning Commission. The concept plan shall be submitted to the zoning administrator for consultation and discussion and shall include the location and components of the PUD; describe use areas, circulation and anticipated open space; and identify any unique design or natural features and the relationship of the proposal with surrounding area public facilities. The zoning administrator may consult with the Planning Commission and area agencies as appropriate. Although no formal action is required, an application will not be accepted until a concept plan has been submitted and reviewed [maximum ninety (90) days].

8B-2-2 PUD development plan:

8B-2-2.1 A PUD development plan shall be submitted with any application for rezoning to a PUD. The development plan shall consist of a drawing or drawings at an appropriate scale and accompanying text which describes the proposed general layout of land uses and the general location of structures and improvements; an access and circulation plan; general public utility plan; general storm drainage plan; and a plan showing the location of recreational areas, open space, parks and other community/public uses.

8B-2-2.2 All subsequent plans (subdivisions, site plans) and permits in the PUD shall be in general accordance with the approved PUD development plan. The PUD development plan shall become the zoning map for the tract so designated and carry the same responsibilities, together with any conditions, as any conditional zoning under the County Code. The plan shall present a unified and organized arrangement of buildings, service areas, parking, landscaped recreation, open space and community facilities to provide for maximum comfort, convenience and quality of living environment.

8B-2-2.3 The PUD development plan application shall provide the following information and materials and any other relevant data which may be used to evaluate the project:

a. A map of the entire site to be rezoned, including the name and address of the owner and the developer and the legal boundaries at a scale of not greater than one (1) inch to six hundred (600) feet.

b. A narrative of the planning purposes to be achieved by the proposed PUD, including how the uses meet the intent of this section, an assessment of the proposal's relations to the Comprehensive Plan and the objectives of this Article, the design theme and major elements, principal site features used to accentuate the scheme and environmental components integrated into the plan. It must be demonstrated how the PUD relates to and complements at least one (1) village center as identified in the Comprehensive Plan and that the PUD will not compromise an existing village center. The lack of such justification requires that the Comprehensive Plan be formally amended to assess the PUD in relation to long-range County needs and demonstrate coordination with future land use plans.

c. An analysis of existing conditions with supporting maps [of at least one (1) inch to six hundred (600) feet] which show:

    1. Existing structures and uses.
    2. Existing public facilities and services, including rights-of-way and easements.
    3. Identification of existing zoning on-site and within five hundred (500) feet of the project's boundaries.
    4. Principal natural features.

5. A site analysis to include the location and description of significant historic landmarks or sites contained on any state or federal register and County records, cemeteries, vegetation, topography [five-(5) foot contours], hydrology, soil types, airport noise zones (if applicable), flood plains, wetlands, stormwater drainage and significant man-made and cultural features.

d. A proposed land use plan. Such a plan will be drawn at a scale of one (1) inch equals two hundred (200) feet and identify:

1. Proposed land uses, estimated acreages and their approximate locations; total dwelling units by type and density for each residential area; and estimated acreage and type for each nonresidential area.

2. Proposed and existing road networks (width, rights-of-way, etc.)

3. Principal nonresidential structures (maximum square footage by type).

4. The general location and acreage of open space, recreation and common areas to be dedicated for community use or public purposes, if any, and their linkages or circulation system.

5. A general landscape plan which focuses on the location and type of overall landscaping to be used (trees, plants and berming) within the project, as well as the special buffering required between proposed project land uses and adjacent zoning districts.

6. The proposed location of utilities and general drainage, and a plan of each.

7. A phasing plan for development and estimated schedule including public utility phasing.

e. Transportation analysis. The applicant shall prepare a transportation study, which shall include at a minimum:

1. An analysis and description of base existing conditions and traffic volumes for the external road network serving the site.

2. An analysis and description of projected conditions (both project life and twenty (20) year term) based on the proposed land uses within the project and traffic growth on adjacent highways. Trip generation rates for morning and evening peak hours of the project shall be prepared, by development and phase (if phased), as well as the internal/external trip distribution and intersection and capacity analysis.

3. The analysis will demonstrate the adequacy of the project's internal and external adjacent road network and identify off-site access or traffic control improvements generated exclusively by the traffic demands of the proposed project for each phase (if any) and at full development.

4. The analysis shall contain recommended internal and off-site road or transportation improvements to accommodate land use development and network growth for each phase and at full development.

f. Economic analysis: an evaluation of the existing and anticipated market for proposed facilities and growth trends of the County.

g. An environmental assessment of the total proposed development, including:

1. Demographic profile of proposed development (population, housing, school children and employment).
2. Housing types and range of costs for each area relative to the community.
3. Environmental impacts related to the PUD.
4. Assessment of impact on community facilities, services and taxes.
5. Mitigation plan, if appropriate.

h. Any proposed covenants, deed restrictions and the organization for governance of any common land/facilities in the PUD. Such documents shall provide for required responsibilities for ownership and maintenance of open space and common facilities and enforcement of any covenant or deed provisions. These documents may be in draft nd will be used for informational purposes. This requirement may be waived by the Planning Commission until subdivision or site plan applications are submitted.

8B-2-3 Procedures for consideration:

8B-2-3.1 Zoning administrator. The zoning administrator shall review the application and refer copies to the appropriate agencies for recommendation and prepare a report for the Planning Commission within ninety (90) days of formal application of the development plan. The zoning administrator shall notify the Planning Commission of all applications received by the next regularly scheduled meeting.

8B-2-3.2 Planning Commission. The Commission shall proceed in general as for any other rezoning application, as required by this ordinance, and shall make a recommendation to the Board of Supervisors within four (4) months of its first consideration or as extended in writing by the applicant. They shall give special consideration to the following matters:

a. The suitability of the tract for the type and intensity of the activities proposed in terms of the recommendation of the Comprehensive Plan, physical characteristics an its relation to village centers, or if such a relationship cannot be demonstrated, an amendment to the Comprehensive Plan identifying the economic and social compatibility with long-range County development.

b. The reasonably foreseeable availability of adequate roads, utilities and public facilities to serve the tract at the ultimately proposed density or limits of development.

8B-2-3.3 Board of Supervisors. The Board shall proceed in general as provided for in other rezoning applications. The Board may approve the application as proposed; or approve with specific modifications of the development plan; or approve some other suitable zoning district; or deny the application. Any covenants, governance documents and easement (if applicable) shall be recorded in the Culpeper County Circuit Court Clerk's office within sixty (60) days of approval of future subdivision and site plan applications.

8B-2-4 Procedures for PUD establishment and amendment:

8B-2-4.1 A PUD may be established by zoning map amendment in accordance with the Code of Virginia and the procedures of this ordinance as specifically modified hereby.

8B-2-4.2 Changes in the development plan may be proposed by the applicant prior to the Board of Supervisors' public hearing. The Board of Supervisors may at its discretion consider the application as proposed or may return it to the Planning Commission for further review.

8B-2-4.3 Land area may be added to an established PUD if it adjoins and is proposed to be made an integral part of the approved development. The procedures for any addition of land or substantial change in the development plan shall be the same as for an original application and all requirements shall apply except the minimum acreage requirements of this section.
(Ord. of 12-3-1991, § 8B-2)

8B-3. Permitted uses.

The following uses shall be permitted in any PUD, subject to the requirements and limitations contained herein, and are encouraged in a balanced mixture to promote the objectives of this section:

8B-3-1 Residential uses:

Uses and structures allowed by right in the R-1, R-2 and R-3 Districts of this Zoning Ordinance. Such uses shall contain at least fifty percent (50%) single-family dwelling units based on total residential development and encourage a diversity of housing types and density.

8B-3-2 Major open space:

Includes passive and active recreation areas, open space and corridors of at least one hundred (100) feet in width; trails interconnecting open space areas: woodlands; preservation and conservation areas; public and private recreation; community facilities; buffers; and limited commercial recreation at a maximum of one (1) acre for each ten (10) acres of open space. Such open space is required to constitute at least twenty percent (20%) of gross land area of the PUD in addition to the minimum recreation areas required for residential development. Recreation uses are allowed in open space areas consistent with the function of such space.

8B-3-3 Commercial uses:

Uses and structures allowed by right in the CC, VC, OC and SC Districts of this Zoning Ordinance. Commercial uses shall be generally not less than twenty (20) square feet of shopping and convenience retail and service per dwelling unit. Such land or structures dedicated to commercial use shall not exceed ten percent (10%) of the entire development without specific justification and approval of the Board of Supervisors. When commercial viability is found to be dependent upon the residential support of the PUD itself, the Board of Supervisors may require up to one hundred (100) units to be completed prior to any commercial construction.

8B-3-4 Restricted industrial uses:

Light industry, research and development, warehouse and other uses as allowed in the LI District of this Zoning Ordinance, in a "campus" or park-like setting or in association with an office park or flexible-use facility in the PUD. An increase in lot coverage of up to ten percent (10%) is permissible where a linkage is committed to affordable housing units in a designated part of the PUD. It must be demonstrated that ten percent (10%) of the units in the PUD are available to (owner units) or occupied by (rental units) those with household incomes that do not exceed one hundred twenty-five percent (125%) of the poverty guidelines of the most recent federal register plus three percent (3%) per year for a period of ten (10) years following construction at the time of application. "Availability" shall mean that the purchaser or renter will spend a maximum of thirty-five percent (35%) of total income for housing costs. No industries that are noxious or generate excessive noise, vibration, effluent or hazardous materials as defined by Article 7.1B of this Zoning Ordinance are permitted. Land used for industrial activities shall not exceed twenty-five percent (25%) of the PUD area.

8B-3-5 Prohibited uses:

Junkyards, off-site signage and billboards, drive-in theaters, used automobile and truck/trailer sales, individual residential mobile homes, residences in industrial uses, petroleum or chemical bulk storage, explosives, outdoor unscreened storage yards, public utility electrical generating stations (transformer substations, booster stations and the like are permitted).

8B-3-6 Accessory uses:

Uses incidental and customarily associated with principal uses and common public facilities, including but not limited to common parking/commuter lot, public recreation (tennis courts, swimming pool, etc.), limited day care as a part of an in-house employee program, a maximum of fifteen percent (15%) retail space as a part of an office or industrial structure.

8B-3-7 Special uses:

The following uses shall be permitted in the PUD only with a special use permit as required in Article 17:

8B-3-7.1 Motor vehicle fuel sales and service stations.

8B-3-7.2 Hospital/nursing home.

8B-3-7.3 Private schools.

8B-3-7.4 Heliports.

8B-3-7.5 Fast food restaurant, if independently sited.
(Ord. of 12-3-1991, § 8B-3)

8B-4. Development standards.

8B-4-1 Minimum district size:

Minimum district size shall be two hundred (200) acres.

8B-4-2 Minimum lot area:

Minimum lot area shall be as required by the district specified by this section.

8B-4-3 Minimum lot width:

Minimum lot width shall be as required by the district specified by this section.

8B-4-4 Village Center:

The Village Center is the epitome of integrated PUD uses providing for residential, retail, services and employment in a planned setting of streets, paths and recreation. Those centers identified in the Comprehensive Plan are encouraged for consolidation of use and mixing of activities to represent the heart of neighborhood development. Proposals which are not located in an identified village center may require an amendment to the County Comprehensive Plan. To encourage the development of a PUD in an identified village center, the following incentives are provided:

8B-4-4.1 Uses and densities allowed in the R-4 District subject to the conditions as imposed by that district. No more than forty percent (40%) of the dwelling units in the center shall be of this type.

8B-4-4.2 Residential uses are allowed in mixed use structures with retail and office uses. A maximum of fifty percent (50%) of total floor area is permitted for residential use, and no residential units are allowed on the first floor of a mixed use structure. Mixed use structures are allowed a ten percent (10%) increase in residential density if a five percent (5%) increase in recreation space within the village center is also provided [at least five (5) acres in size].

8B-4-5 Individual lot coverage—nonresidential buildings:

Coverage of any individual lot for nonresidential buildings shall not exceed forty percent (40%), and a minimum of twenty percent (20%) of the lot shall be maintained as green or open space unless shown to be consolidated as common space in the same area, centrally located and at least five percent (5%) greater than the sum of green space required individually. Buildings shall be separated from each other in accordance with section 9-4 of this Zoning Ordinance.

8B-4-6 Parking requirements:

Parking requirements shall be in accordance with Article 10 of this Zoning Ordinance for individual or cumulative uses. All parking areas for more than ten percent (10%) of vehicles shall include five percent (5%) green space landscaped to break up the continuity of impervious surface.

8B-4-7 Signage:

Signage shall be in accordance with the provisions of Article 11 of this Zoning Ordinance, subject to the following modifications:

8B-4-7.1 All free standing signs shall be of monument design and no greater than

five (5) feet in height and shall be sited to avoid obscuring entry or egress sight distance.

8B-4-7.2 Locational advertising signs are prohibited.

8B-4-7.3 A coordinated, unified sign plan shall be utilized for direction and information signage in the entire PUD and advertising signs in each area.

8B-4-8 Maximum structure height:

The maximum height of any structure shall be forty-five (45) feet.

8B-4-9 Minimum residential use area:

Residential uses shall be at least fifty percent (50%) of the PUD area, excluding open space, easements and roadways. This limitation may be reduced by the Board of Supervisors, if the PUD development plan includes two (2) or more of the following:

8B-4-9.1 Substantial open space beyond the minimum requirement.

8B-4-9.2 Innovative and unique urban design features/amenities.

8B-4-9.3 Significant community, cultural, recreational and/or education facilities.

8B-4-10 Maximum gross development density:

Total residential development shall not exceed a gross density of three (3) dwelling units per acre; individual commercial, industrial development shall not exceed a gross floor area to lot ratio of one to 20 (1:20).

8B-4-11 Maximum residential density bonus:

The maximum allowable residential density bonus in the PUD is twenty-five percent (25%) from all incentives.

8B-4-12 Public facilities:

Residential development shall be supported by public facilities in the general vicinity of or within the PUD, such as active recreation areas, green spaces, library sites, fire station sites, commuter parking and school sites. There shall be common space provided for active and/or passive recreation on the basis of one thousand two hundred (1,200) square feet for each detached residence and five hundred (500) square feet for each attached or multifamily residence. The recreation areas shall be integrated into the overall design of the PUD with proximity to residential areas and no designated recreation area less than one (1) acre for each residential section and at least one (1) recreation area of five (5) acres in the PUD. Other public facilities or sites for such facilities may be required to be included in the PUD where there is a need for such.

8B-4-13 Utility lines:

All common utility lines shall be placed underground and utilize common easements wherever possible.

8B-4-14 Outdoor lighting:

Outdoor lighting for structures and parking areas shall use "upwash" or low-level illumination techniques and be coordinated with site development features. All lighting shall be hooded or directed to avoid glare and the spread of unrestricted light on adjacent property and roadways.

8B-4-15 Cluster housing encouraged:

Cluster housing is encouraged in the PUD for all allowable uses. Any conditions for cluster development apply as identified in section 9-5 of this Code. Required open space for clustering is in addition to any required in the PUD, but may be reduced by ten percent (10%) of development if the open space is clustered with PUD recreation or open space as part of the consolidated design of the tract. The open space must remain accessible and usable to the housing it relates to in accordance with clustering provisions.

8B-4-16 Specific modifications or bonuses:

Specific modifications to this Article, bonuses in the form of increased density, or other benefits to the developer may be considered by the Board of Supervisors as an incentive if the developer provides certain features, such as affordable housing or amenities beneficial to Culpeper County.
(Ord. of 12-3-1991, § 8B-4)

8B-4-17 Uses subject to zoning district provisions:

Except as otherwise specified in this Article, proposed uses within a PUD shall be subject to the provisions set forth in the zoning districts within this Zoning Ordinance (i.e., Article 3 through Article 7.1B).
(Ord. of 8-3-1993)

8B-4-18 Private roads:

Roads within a PUD may be private. However, they must be constructed to the current standards of the Virginia Department of Transportation as outlined in Article VII of the Subdivision Ordinance.
(Ord. of 8-3-1993)

Editor's note—Amendment of 8-3-1993 added §§ 8-B-4-17 and 8B-4-18 to clarify the role of the various zoning district regulations in PUD developments and which allow for private roads in PUD developments.

8B-5. Yards and setbacks.

8B-5-1 Residential:

Yards and setbacks shall be as required in the district specified in this section.

8B-5-2 Nonresidential:

8B-5-2.1 All buildings and other principal structures shall be set back a minimum of twenty-five (25) feet from all street rights-of-way.

8B-5-2.2 No rear or side yards shall be required, except as provided in Article 9, Special Provisions, provides that each lot shall have at least a fifty (50) foot wide unobstructed access to a area service area capable of handling emergency and refuse removal equipment if the rear of the lot is not otherwise accessible via a street, drive or parking area.

8B-5-3 Buffer:

The perimeter of the PUD shall be buffered to protect adjacent uses. The buffer shall consist of a berm or landscape or existing vegetative cover to screen conflicting uses and shall be to a depth as required in the adjacent district (side or rear, respectively) plus two (2) times the maximum height of the structures nearest the boundary. In no case shall the buffer be less than one hundred (100) feet, and any subsequent structures shall adhere to the same standard in meeting or exceeding the buffer. Exceptions to the depth requirement includes an adjacent PUD, clustered development or the same adjacent zoning district as being used in the PUD. In those cases, the buffer depth shall be as required for the adjacent district.

8B-5-4 Zero lot line:

The front, side or rear yard requirements for single-family residential development may be eliminated for adjacent units creating attached units of a commensurately smaller area. A ten percent (10%) increase in density is allowable for such development, provided that an equivalent amount of common open space is provided in the PUD. A maximum of fifteen percent (15%) of such units is allowable in the PUD.
(Ord. of 12-3-1991, § 8B-5)

8B-6. Permits and approvals.

8B-6-1 Review process:

Following approval of the PUD development plan, the review process prescribed by this zoning ordinance shall be completed and satisfied prior to issuance of a building permit. Generally, the subdivision and/or site plan process and requirements will be utilized to fulfill this ordinance. In addition, the exemptions or provisions below will supplement those processes.

8B-6-1.1 To promote a campus-like character within each PUD district, a landscaping plan shall accompany each site plan to maximize the visual effects of those green spaces that are seen from existing public roads.

a. All service, loading, storage and trash areas shall be fully screened from view from public streets and from adjacent properties.

b. Parking areas for more than ten (10) vehicles shall be screened or buffered from view from existing public street by berms, landscaping, fences or walls.

8B-6-1.2 Primary access to the internal PUD road network shall be provided from those roads with the greatest available capacity to accommodate project traffic.

8B-6-1.3 Commercial and industrial buildings shall be so grouped in relation to parking areas that persons arriving by automobile may easily access buildings with a minimum of internal automotive movement on the site.

8B-6-1.4 Areas where deliveries are to be made or where services are to be provided to vehicles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

8B-6-1.5 Natural open space areas shall accentuate and complement the visual and physical impacts of structures and be used to buffer and define neighborhoods.

8B-6-1.6 A common, but not stereotyped, architectural theme shall be developed and maintained throughout the proposed development.

8B-6-1.7 The plan shall provide a level, scale and location of support services which, taken as a whole, are reasonably sufficient to service the activity areas of the plan.

8B-6-1.8 The plan shall minimize natural site disturbance by respecting natural topography and features in determining building design and location.

8B-6-1.9 Sketch plans are not required for subdivision review of PUD sections.

8B-6-1.10 Uses requiring a special permit will be processed in accordance with Article 17 of this ordinance.
(Ord. of 12-3-1991, § 8B-6)

8B-7. Variations from approved PUD development plan.

8B-7-1 Minor variations:

Minor variations (as defined in section 8B-4 of this Article) in site plans and subdivision plats from the approved PUD development plan may be permitted by the zoning administrator upon written findings that such variations are generally in keeping with the spirit and concept of the approved PUD development plan, in accordance with conditions or modifications required by the Board in its approval and in accordance with the regulations currently then in effect.

8B-7-2 Amendments:

Amendments to the PUD development plan may be made through the zoning map amendment process as set forth in this ordinance and excluding minor changes as identified in section 8B-4 of this Article.
(Ord. of 12-3-1991, § 8B-7)

ARTICLE 8C. WATERSHED MANAGEMENT DISTRICT (WMD)

8C-1. Statement of intent.

8C-1-1 Intent:

The Watershed Management District (WMD) is established to provide for the protection of water quality and the proper management of stormwater resources in the Lake Pelham-Mountain Run Lake Watershed. The WMD is created to promote the public health, safety and welfare by protecting the public water supply and minimizing the potential of pollution and degradation of the supply of drinking water for Town and County residents. The WMD is also established to ensure the management of stormwater to enhance the flood-control capability of the lake system and assure adequate reserve capacity and longevity of the Lake Pelham Reservoir. The WMD shall provide for protection of the watershed and its headwaters through minimum disturbance of the land, restriction of stormwater pollution and avoidance of water quality degradation. In addition, the groundwater capabilities of the watershed shall be protected to provide for aquifer recharge as the sole alternate to surface water drinking supplies.

8C-1-2 Findings of fact:

8C-1-2.1 It is the aim of this district to provide regulations that will apply within the designated watershed, as adopted by the County Comprehensive Plan and in accordance with the Lake Pelham-Mountain Run Lake Watershed Management Plan and its implementation policies, to respond to the unique conditions and special circumstances presented there and prevent the further or future deterioration of associated water resources. This watershed has been identified as a sensitive resource that requires exceptional means and careful planning to avoid compromising the stormwater and lake reservoir system and its public benefits.

8C-1-2.2 The public interest is best served by protecting the capabilities of the watershed for current and future residents and preventing the deterioration of water quality. As a limited resource, the lake system is subject to accelerated degradation from development and human activity that could create a public health liability, severely restrict the usefulness of the resource and/or produce significant public cost to restore, if possible.

8C-1-2.3 Therefore, these regulations are promulgated to protect these interests, avoid adverse effects and ensure the continued viability of watershed resources.
(Ord. of 3-3-1992, § 8C-1)

8C-2. Definitions.*

(Ord. of 3-3-1992, § 8C-2)

8C-3. Watershed management regulations.

Every development in the watershed shall be subject to the additional regulations contained in this Article. An evaluation of proposals will be required for evaluating the resulting downstream impact to avoid and/or mitigate those impacts so as to protect the water quality and restrict future degradation of the watershed. It is incumbent on the applicant to demonstrate that the public interest will be upheld and that protection of the public drinking supply will be preserved. Development shall be regulated to protect watershed resources to every extent practicable.

8C-3-1 Environmental Impact Assessment (EIA):

Every development in the watershed shall be accompanied by an EIA that assesses the off-site impacts of stormwater generated from the proposal; before-and after-development water quality loadings; the affect of slopes, soils, wetlands, and other natural features; prospective BMP's and effect on stream/lake loadings; and consideration of alternatives to the proposal. The County may require implementation of a comparable alternative development layout if it is found to be superior in providing water quality protection. The EIA shall present mitigation measures for identified impacts and, where acceptable to the County, include them in the development plan as a condition of approval.

*__Editor's note—__See art. 2, Definitions.

8C-3-2 Watershed management plan and policies established:

8C-3-2.1 The Watershed Management Plan (Espey, Huston & Associates, Inc.; September 1989) and Policies (adopted into the Comprehensive Plan; January 1990) are hereby incorporated as a part of this Article to identify critical elements of the watershed, establish analytical criteria and assure the protection of water quality. The Plan identifies:

a. Watershed boundary.

b. Critical lakes, streams and tributaries.

c. Drainage basins.

d. Buffer areas for critical watercourses.

e. Proposed wet pond sites for consolidated stormwater management.

f. Restrictions on overall development by drainage basin.

g. Identification of critical sewer/water service areas around Lake Pelham.

8C-3-2.2 The Plan and Policies shall be used to review development proposals and establish limits of loadings within each drainage basin in the watershed.

8C-3-3 Cluster development preferred:

8C-3-3.1 The use of cluster development for residential uses is preferred, with required open space to be used for buffering critical watercourses and avoiding environmentally sensitive areas that can compromise downstream resources. Sensitive environmental areas include steep slopes, lake and stream banks and highly erodible soils.

8C-3-3.2 Any cluster development shall decrease in intensity of use as the distance from the identified stream/water body buffer decreases. This decreasing density shall be established by creating imaginary five hundred (500) foot bands around the buffer and then establishing the density of each band, diminishing in intensity as the buffer is approached. If it can be shown that proposed BMP's or natural features of the land, such as topography, will better serve to protect water quality, this requirement may be waived. Where development is part of a PUD, nonresidential uses shall be limited to commercial activity that is supported by the development and no more than ten percent (10%) of the tract.

8C-3-4 Development limitations:

The WMD establishes overall limits to development within each drainage basin, in accordance with the Watershed Management Plan, to avoid overloading the capacity of each basin and prevent eventual stream/lake degradation. Each basin contains density limits which represent a maximum for any one (1) development [i.e.: ten (10) dwelling units per acre]. Nonresidential development other than parks, churches, and community facilities shall be limited. New areas for nonresidential use are not prohibited but are discouraged. All nonresidential development is subject to density limitations which coincide with the residential limitations. [For the purpose of exchange, two thousand (2,000) square feet of non-residential floor area is equivalent to a dwelling unit].

Drainage Basin		*Maximum Density / DU / Acre*
Vaughn Branch	VB	0.33
Bond Branch	BB	0.20
Gaines Run	GR	10.00
Hungry Run	HR	5.00
Lake Pelham	LP2	0.20
Lake Pelham	LP3	0.20
Lake Pelham	LP4	0.20
Lake Pelham	LP5	0.33
Lake Pelham	LP6	3.00
Lake Pelham	LP7	1.00
Mountain Run	MR1	0.33
Mountain Run	MR2	0.33

Drainage Basin		*Maximum Density / DU / Acre*
Mountain Run	MR3	1.00
Caynor Lake	CL1	0.33
Caynor Lake	CL2	2.00

8C-3-5 Buffers required:

8C-3-5.1 Development in the WMD shall require buffering around lakes, on each side of streams and along tributaries. All buffers shall be left in their natural vegetative state or improved with suitable landscaping so as to increase the stormwater and pollutant/nutrient reduction capabilities of the buffer. General maintenance of such buffers, including removal of undesirable species, is permitted as long as the integrity of the buffer is maintained. In accordance with the Watershed Management Plan, required watercourse buffers shall be defined as a minimum distance from the watercourse as follows:

a. Lake Pelham and Mountain Run Lake: Two hundred (200) foot minimum from normal pool elevation [384.9 feet elevation, Lake Pelham; 434.0 feet elevation, Mountain Run Lake].

b. Primary streams and wet ponds: One hundred (100) foot minimum from the flood way or the normal pond pool.

c. Identified tributaries: Fifty (50) foot minimum from the center line of the watercourse.

8C-3-5.2 No future development, construction or introduction of impervious surface shall be allowed in the buffer, other than road crossings, passive recreation and utilities, subject to demonstration that no reduction in the quality of the buffer shall occur. Uses specifically prohibited in the buffer include septic systems and drainfields, feed lots (i.e., finishing cattle for slaughter), fuel or petroleum storage, sewer pump stations, etc. Detention ponds and dams may be located in the buffer. Additional buffer will be required around a pond.
(Ord. of 3-3-1992, § 8C-3)

8C-4. WMD development standards.

8C-4-1 BMP's required:

8C-4-1.1 Every development shall require some form of best management practices (BMP's) to mitigate watershed impacts and limit on-site effects. Each development is required to select and implement the most appropriate BMP for dealing with stormwater runoff and protection of water quality. BMP's may include, but are not limited to, wet or dry ponds, filter strips along roads and drives, limits to site grading, early vegetative cover, spoil pile stabilization, grass swales for drainage channels, hydroseeding of graded areas and other techniques as suggested by the Commonwealth of Virginia State Water Control Board Urban Best Management Practices Handbook, most current edition.

8C-4-1.2 Best management practices shall be reserved solely for the identified purpose for as long as the County requires and adequate provision made for maintenance. Easements may be required for any BMP included in a development proposal and the area in wet or dry ponds must be dedicated to such use and recorded prior to finalization of any subdivision or site plan. Adequate assurance of maintenance and future transfer to a legal responsible entity must be provided as a condition for approval. Golf courses shall be required to develop a nutrient management plan that demonstrates that the fertilizers and pesticides will be contained on-site and will not impact the off-site surface water or groundwater resources.

8C-4-2 Disturbed area, impervious surface:

8C-4-2.1 Development in the WMD shall be limited to minimize land disturbance and reduce the potential of downstream

degradation. Each site or parcel of land shall be restricted as to the total area of disturbance and the creation of impervious, nonporous surfaces to inhibit erosion, reduce runoff and impede the off-site impact of development in the watershed. Generally, the area of total disturbance of the land for roads/drives, utilities, structures, parking and activity space shall not exceed forty percent (40%) of the tract at any one (1) time, excluding wet ponds and BMP's. Porous pavement, while not considered impervious surface, is considered disturbed area. Areas of land disturbance shall be so noted on plats and site plans for review and visibly identified in the field for inspection. Future site development must include any unstabilized areas resulting from previous disturbance and its cumulative effect on proposed disturbed areas.

8C-4-2.2 The maximum allowable impervious surface area for nonresidential development shall be twenty-five percent (25%) of the tract. Residential subdivisions shall be limited to a maximum of fifteen percent (15%) impervious surface for each lot and twenty-five percent (25%) of the entire tract for subdivision development. Clustered development shall not be limited by lot as long as the maximum impervious surface for the entire tract does not exceed twenty-five percent (25%). Nonresidential subdivisions shall be subject to twelve and five-tenths percent (12.5%) maximum impervious surface for interior roads.

8C-4-3 Erosion and sediment control plans:

Every development is required to file an erosion and sediment control plan in accordance with Chapter 8 of the Culpeper County Code and the Virginia E&S Control Handbook, most current edition. Development in the WMD that disturbs five thousand (5,000) square feet or more of land area shall comply with this regulation except agricultural activities as exempted by state law.

8C-4-4 Utility services:

Municipal sewer services shall be encouraged in sensitive areas of the watershed around Lake Pelham. Drainage Basins GR, HR, LP6 and LP7 are included in Phases I and II; LP2, LP3, LP4, LP5, BB, VB and MR1 are all included in Phase III. Development in Phases I and II should be coordinated to coincide with the implementation of municipal services rather than septic systems. All other utilities and service methods shall be in accordance with Chapter 14, the Sanitary Code of Culpeper County. Package plants identified in section 14-20 are prohibited.

8C-4-5 Exclusions, credits and bonuses:

8C-4-5.1 Any property which is shown on a site plan or subdivision plat to be engineered so as not to drain into Lake Pelham, directly or indirectly, shall not be considered to be regulated by the WMD, notwithstanding its depiction on the Official Map, as long as the subsequent development is in accordance with such plan or plat.

8C-4-5.2 If, in the opinion of the Board of Supervisors, it is good planning practice to do so, where land lying within the watershed is under common ownership and is adjacent to or part of a tract proposed for development, the use of which is limited to park, open space or passive recreation, such land can be utilized in establishing the density, impervious surface and disturbed area for the development. Limitation of use must be guaranteed for all intents and purposes by permanent easement.
(Ord. of 3-3-1992, § 8C-4)

8C-5. Agricultural activities.

8C-5-1 Farm plans:

All agricultural operations in the watershed shall be encouraged to exercise conservation measures and agricultural BMP's. Such operations are required to file a farm plan with the Soil and Water Conservation District that meets the intents and objectives of this Article, includ-

ing required buffers and other pertinent practices as guided by the Soil and Water Conservation District.

8C-5-2 Agricultural hardship:

This Article shall not prevent the Planning Commission from providing an exception to agricultural operations that would otherwise be compromised by these regulations. These cases are recognized as special hardships that, while required to conform to this Article to further the public purpose, shall not be significantly impaired or restricted from the agricultural use of their property.
(Ord. of 3-3-1992, § 8C-5)

8C-6. Vesting.

8C-6-1 Existing parcels:

Proposals for subdivision or site plan approval which have proceeded to the level of public hearing (having been approved by the Planning Commission and/or Board of Supervisors) shall be vested with regard to lot size, density and the other regulations of this Article other than the requirements for buffering, impervious surface or erosion and sediment controls. Any future site plan or subdivision of the property must fully comply with the regulations contained in this Article. A (Agricultural), R (Residential), or RA (Rural Area) zoned lots that preexist the adoption of this Article are considered vested with regard to lot size only. Commercial and industrial properties are vested only with regard to allowable uses. All existing structures are fully vested.
(Ord. of 6-12-1996)

8C-6-2 Site plan exceptions:

8C-6-2.1 In any case or request for a site plan on a parcel existing on March 3, 1992 and on which the zoning has not changed since that date, in which the applicant claims or can produce evidence that the use of his property will be negatively affected as opposed to the use allowed prior to the enactment of this Article, the Planning Commission may, for good cause shown, at its option and at the request of the applicant, reduce the required buffering on any given parcel so affected. Upon request, the applicant shall present a proposed buffering plan as an alternative to the Code requirements. The Planning Commission may adopt this plan or impose other requirements related to the protection of the watershed.

8C-6-2.2 In any case or request for a site plan amendment on a developed parcel existing on March 3, 1992 and on which the zoning has not changed since that date, the density limitations contained in section 8C-3-4 may be waived by the Planning Commission if the total impervious surface on the site is not increased, and if the intent of the Watershed Management District is not compromised.
(Ord. of 10-6-1998)

Editor's note—Amendment of 10-6-1998 moved purview regarding site plan exceptions to the Planning Commission, rather than the Board, modified section 8C-6-2.1 so as to clarify the applicable date, and added section 8C-6-2.2.

8C-6-3 Building permit exceptions:

In any future case or request for a building permit for a zoned lot of record existing at the time of the adoption of this Article and which contains less than ten (10) acres, the zoning administrator shall have the authority to deviate from the buffering requirements imposed by this Article, upon presentation by the applicant for the permit or the landowner, as the case may be, that the strict application of the buffering requirements will so adversely impact on the applicant or owner so as to prevent the owner from utilizing the property in a reasonable manner. Upon request, the applicant shall present a proposed buffering plan as an alternative to the Code requirements. The zoning administrator may accept this plan or suggest other requirements related to the protection of the watershed. Any decision by the zoning administrator made pursuant to this section may be appealed to the Board of Supervisors, to be treated as it would treat a request made pursuant to Subsection 8C-6-2, above.
(Ord. of 3-3-1992, § 8C-6)

ARTICLE 8D. AIRPORT SAFETY*

8D-1. Preamble.

8D-1-1 Intent:

This Ordinance is established for the purpose of regulating and restricting the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Culpeper Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties for the purpose of providing for the safety of airport users and those residing in the vicinity of the airport.

8D-1-2 Findings of Fact:

The Ordinance is adopted pursuant to the authority conferred by Chapter 22 of Title 15.2, and specifically to satisfy the requirements of § 15.2-2294 of the Code of Virginia, 1950, as may be amended from time to time. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airport and residents in the County of Culpeper; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is declared:

8D-1-2.1 That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;

8D-1-2.2 That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports; and

8D-1-2.3 That the County of Culpeper derives economic development and enhanced interstate commerce from the Culpeper Regional Airport when such airport and its surrounding vicinity is held strictly to the highest possible safety standards.

8D-2. Definitions.

As used in this Ordinance, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

8D-2-1 Administrator:

The official charged with the enforcement of this Ordinance. He or she shall be the zoning administrator.

8D-2-2. Airport:

The Culpeper Regional Airport (T.I. Martin Airfield).

8D-2-3 Airport elevation:

The highest point on any usable landing surface expressed in feet above mean sea level.

8D-2-4 Approach surface:

A surface, whose design standards are referenced in section 3 of this Article, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Article 4 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

8D-2-5 Approach, transitional, horizontal, and conical zones:

The airspace zones as set forth in section 3 of this Article.

8D-2-6 Conical surface:

A surface, whose design standards are referenced in section 3 of this Article, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

8D-2-7 Hazard to air navigation:

An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

*__State code reference—__*Code of Virginia, 1950, as may be amended from time to time, § 15.2-2294.

8D-2-8 Height:

For the purpose of determining the height limits in all zones set forth in section 4 of this Article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

8D-2-9 Horizontal surface:

A horizontal plane, whose design standards are referenced in section 3 of this Article, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

8D-2-10 Nonconforming use:

Any pre-existing structure or object of natural growth which is inconsistent with the provisions of this Ordinance or any amendment to this Ordinance.

8D-2-11 Obstruction:

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 4 of this Ordinance.

8D-2-12 Permit:

A document issued by the County of Culpeper allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this Ordinance.

8D-2-13 Person:

Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

8D-2-14 Primary surface:

A surface, whose design standards are referenced in section 3 of this Article, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

8D-2-15 Runway:

A specified area on an airport prepared for landing and takeoff of aircraft.

8D-2-16 Structure:

Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flagpoles, and ship masts.

8D-2-17 Transitional surfaces:

Surfaces, whose design standards are referenced in section 3 of this Article, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

8D-2-18 Vegetation:

Any object of natural growth.

8D-2-19 Zone:

All areas provided for in section 3 of this Article, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this Ordinance.

8D-3. Airport Safety Zones.

8D-3-1 Establishment of Zones:

In order to carry out the provisions of this Ordinance, there are hereby established certain zones which include all of the area and airspace of the County of Culpeper lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Culpeper Regional Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in sections 4 and 5 of this Article. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

8D-3-1.1 Approach zone: Slopes 34 feet outward for each foot upward beginning

at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

8D-3-1.2 Transitional zone: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 313 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

8D-3-1.3 Horizontal zone: Established at 150 feet above the airport elevation or at a height of 463 feet above mean sea level.

8D-3-1.4 Conical zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

8D-3-2 Source and design standards:

The source and the specific geometric design standards for these zones are depicted on the Culpeper Regional Airport Airspace Protection Zone (Part 77 Surface dated May 15, 1995 which is attached as an exhibit to this Ordinance and incorporated in this Ordinance by reference and attachment. Said map is based upon the standards required by Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations.

8D-4. Airport Safety Zone Height Limitations.

8D-4-1 Nothing to exceed height restrictions:

Except as otherwise provided in this Ordinance, in any zone created by this Ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in section 3 of this Article at any point.

8D-4-2 Surface planes as height restrictions:

The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in the Culpeper Regional Airport Airspace Protection Zone (Part 77 Surface). This Article shall be amended from time to time if such amendment is necessitated by successor federal regulations.

8D-4-3 Notice of proposed construction or alteration:

The Federal Aviation Administration requires notice of certain proposed construction or alteration, as prescribed in Part 77, section 77.13 of Title 14 of the Code of Federal Regulations. No construction of towers, mono-poles, or other similarly tall structures that would violate the zones of this Ordinance shall commence within twenty thousand (20,000) feet of the runway until FAA Form 7460-1 has been completed and reviewed by the FAA.

8D-5. Use Restrictions.

8D-5-1 Restrictions:

Notwithstanding any other provision of this Article, and within the area below the horizontal limits of any zone established by this Ordinance, no use may be made of land or water in such a manner as to:

8D-5-1.1 Create electrical interference with navigational signals or radio communication between the airport and aircraft;

8D-5-1.2 Diminish the ability of pilots to distinguish between airport lights and other lights;

8D-5-1.3 Result in glare in the eyes of pilots using the airport;

8D-5-1.4 Impair visibility in the vicinity of the airport;

8D-5-1.5 Create the potential for bird strike hazards; or

8D-5-1.6 Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.

8D-6. Nonconforming Uses.

8D-6-1 Exceptions:

Except as provided in sections 8D-6-2 and 8D-7-2 of this Article, the regulations prescribed by this Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Ordinance shall be construed to require the relocation of any nonconforming state maintained road. Nothing contained in this Ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

8D-6-2 Markers and lights:

Notwithstanding the provisions of section 8D-6-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

8D-7. Permits and Variances.

8D-7-1 Permits required:

Except as provided in sections 8D-7-1, 8D-7-2, and 8D-7-3 of this Article, no structure shall be erected or otherwise established in any zone created by this Ordinance unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which it is desired and provide sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this Ordinance. No permit for a structure inconsistent with this Ordinance shall be granted unless a variance has been approved as provided in section 8D-7-4.

8D-7-2 Permits not granted for hazardous construction:

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto other than with relief as provided for in section 8D-7-4.

8D-7-3 Restoration of damaged buildings:

Whenever the administrator determines that a non-conforming structure has been abandoned or more than seventy-five percent (75%) destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this Article, except with the relief as provided for in Article 12-1-4 of the Zoning Ordinance.

8D-7-4 Variances:

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Ordinance may apply for a variance from such regulations to the Board of zoning appeals. Prior to being considered by the Board of zoning appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation and the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The Board of zoning appeals shall be required to act on any application for a variance within one hundred twenty (120) days of

the receipt of such application, regardless of whether or not state and federal determinations have been received.

8D-7-5 Variance conditions:

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, Virginia Department of Aviation, or the Administrator.

8D-7-6 Application forms:

Applications for permits and variances shall be made on forms available from the Administrator, with such forms allowing for enough specific detail such that proper analysis can be given the request.

8D-7-7 No variance required for certain uses:

No variance shall be required for any construction or alteration which is adjacent to and shadowed by an existing nonconforming use, which shall be no higher than the existing adjacent nonconforming use. The zoning administrator shall determine whether a proposed use meets the requirements of this section and is thereby exempt from the requirement for a variance. The zoning administrator's determination shall be made in writing and shall be appealable to the Board of zoning appeals in accordance with the applicable provisions of the Virginia Code. In making such determination, the zoning administrator shall consult with the Federal Aviation Administration and with the Virginia Department of Aviation. For the purpose of this Article, "shadowed" shall mean that at some point during the day, during any part of the year, the proposed new construction shall fall within the shadow of the existing structures or vegetation.

8D-7-8 Exceptions:

Because of existing ground elevations in relation to the elevation of the Airport, and because of location outside of the approach and transitional surfaces, the high ground portions of the following parcels of land, and subsequent subdivisions thereof, shall be exempt from the height restrictions of this Article. For the purpose of this Article, "high ground" shall be defined as that area where the existing ground elevation of such parcels as shown on the Brandy Station, Virginia U.S.G.S. Topographical Map is greater than four hundred (400) M.S.L. Instead, these parcels shall be subject only to those height restrictions imposed by the underlying zoning and proffers, if any.

Culpeper County Tax Map Parcels:

23-10	33-82
23-11	33-84
33-1	33-86
33-2	33-87
33-3	33-88
33-4	

8D-8. Enforcement.

8D-8-1 Power of zoning administrator:

The Administrator shall administer and enforce the regulations prescribed in this Article. He or she shall be vested with the police power incumbent to carry out and effectuate this Article. Any violation or attempted violation of this Article may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding as may be permitted in equity or at law.

8D-8-2 Violations and Penalties:

Any violation of this Article shall be unlawful and shall constitute a misdemeanor punishable in accordance with the provisions of sections 23-2 and 23-3 of the Culpeper County Zoning Ordinance.

State Code Reference—Code of Virginia, 1950, as may be amended from time to time, §§ 15.2-2286.4, 15.2-2286.5, and 15.2-2208.

8D-9. Appeals.

Any person aggrieved, or any officer, department or board, affected by a decision of the Administrator may appeal such decision to the Board of zoning appeals.

8D-10. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures of vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

8D-11. Severability.

Should any portion or provision of this Ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the Ordinance as a whole, or any part of the Ordinance other than the part held to be unconstitutional or invalid.

ARTICLE 8E. AGRICULTURAL AND FORESTAL DISTRICTS

8E-1. Purpose.

8E-1-1 Intent:

It is the intent of this Article to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also County policy to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces, for clean airsheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. It is the purpose of this Article to provide a means by which agricultural and forestal land may be protected and enhanced as a viable segment of the County's economy and as an economic and environmental resource of major importance. As such, this Article is intended to ensure that agricultural and forestal districts are taken into account in the consideration of any decisions which would potentially impact agricultural and forestal lands.

8E-2. Definitions.

For the purposes of this Article:

8E-2-1 Advisory Committee:

The Agricultural and Forestal District Advisory Committee as appointed by the Board of Supervisors of Culpeper County.

8E-2-2 Agricultural and Forestal District:

Any property enrolled in such a district as prescribed in § 15.2-4305 of the Code of Virginia and as recognized by the County of Culpeper.

8E-2-3 Buffer:

An area inside of the boundaries of a property running parallel to the property lines which must be left free of any structures, principal or accessory.

8E-2-4 Buffer, undisturbed:

A buffer as defined above, but which shall be left in its natural vegetative state and which shall be free of any improvements including roads. However, fences, berms, and additional or replacement vegetation shall be permitted within an undisturbed buffer.

8E-3. Advisory Committee.

8E-3-1 Establishment; purpose:

The Advisory Committee is established by the Board of Supervisors in accordance with § 15.2-4304 of the Code of Virginia. The Committee shall advise the Board of Supervisors and the Planning Commission in relation to the proposed establishment, modification, and termination of agricultural and forestal districts. The Committee input shall provide expert advice relating to the desirability of the proposed action, including advice as to the nature of farming and forestry within the proposed district or addition and the relation of such activities in the proposed district or addition to the entire County.

In addition to advising the Planning Commission and the Board of Supervisors with regard to the establishment, modification, and termination of agricultural and forestal districts, the Advisory Committee shall make recommendations regarding the impact of non-agricultural land uses on adjacent land which is in an agricultural and forestal district. The Planning Commission and/or Board may seek such advice by special referral of land use applications to the Advisory Committee, or as required by this Article.

8E-4. Application of this Article to Land Uses Adjacent to Agricultural/Forestal Districts.

8E-4-1 When applicable:

The provisions of this Article shall be applicable whenever any land use application is submitted for property which is adjacent to land in an agricultural and forestal district, or separated only by a body of water or a public or private road or highway.

8E-5. Concerns to be taken into account in conjunction with Adjacent Land Use Applications.

8E-5-1 Impact:

The land use application shall be approved or denied only after the impact on the adjacent agricultural and forestal district has been taken into consideration. In considering such impact, at least the following concerns shall be taken into account:

8E-5-1.1 Development of agricultural and forestal lands;

8E-5-1.2 Protection and preservation of clean air sheds;

8E-5-1.3 Protection and preservation of watersheds;

8E-5-1.4 Protection and preservation of wildlife habitats;

8E-5-1.5 Protection and preservation of the aesthetics of an agrarian community;

8E-5-1.6 Protection and enhancement of agriculture and forestry as viable segments of the economy;

8E-5-1.7 Protection and enhancement of agriculture and forestry as environmental resources; and

8E-5-1.8 The purposes of this Article.

8E-6. Mandatory and Discretionary Referrals to the Advisory Committee.

8E-6-1 Mandatory Referrals:

The following land use applications shall be approved or denied only after the Advisory Committee has considered the impact of the land use on the district:

8E-6-1.1 Minor subdivisions as defined in the Culpeper County Subdivision Ordinance.

8E-6-1.2 Major subdivisions as defined in Culpeper County Subdivision Ordinance.

8E-6-1.3 Official amendments to the Culpeper County Zoning Map.

8E-6-2 Discretionary Referrals:

The following land use applications may be referred to the Advisory Committee for consideration of the impacts upon the district at the discretion of either the Board of Supervisors, the Planning Commission, or at the discretion of the zoning administrator:

8E-6-2.1 Use permits governed by Article 17 of this Ordinance.

8E-6-2.2 Comprehensive Plan amendments.

8E-6-2.3 Site Plans as per Article 20 of this Ordinance.

8E-6-2.4 Variances.

8E-6-2.5 Other land use, zoning or planning applications.

In any event, the zoning administrator, Planning Commission, Planning Director, board of zoning appeals, Board of Supervisors or other County official making a decision which is subject to this ordinance shall take into account the adjacent agricultural and forestal district.

8E-7. Buffer Requirements and Other Protection Measures.

8E-7-1 Power/Role of the Advisory Committee:

The Advisory Committee may recommend that buffers and/or other protection measures be incorporated into the proposed adjacent land use.

8E-7-2 Consideration of Impact on Land Use:

The Advisory Committee, in making recommendation for any buffer or other protection measure, shall clearly state the reasons for such recommendation and indicate how the buffer or other protective measure will serve the purposes of this Article. In making a recommendation that includes buffers, the Advisory Committee shall take into account the size of the buffer and the impact upon the property which is subject to the land use application to insure that such property maintains viability for the uses deemed appropriate.

8E-7-2.1 Minor Subdivisions: Buffers and protection measures recommended by the

Advisory Committee for minor subdivisions shall be forwarded to the zoning administrator, who shall have authority to determine what shall be required, provided that if the applicant objects to the buffer or other protection measure on the grounds that it is so onerous as to make the property unusable for the desired purpose or creates an unnecessary burden of cost, then the applicant may appeal to the Board of zoning appeals.

8E-7-2.2 Major Subdivisions, Use Permits, and Rezonings: Buffers and protection measures recommended by the Advisory Committee for major subdivisions, use permits, and rezoning applications shall be sent forward for further consideration by the Planning Commission and finally, by the Board of Supervisors. The Board of Supervisors shall have the final authority to impose any such buffers or protection measures.

8E-7-2.3 Site Plans: When considering site plans, the Planning Commission may impose buffers or other protection measures according to the provisions of this Article.

8E-7-2.4 Other Land Use Decisions: Any official(s) making a land use decision shall take into account any adjacent agricultural and forestal district.

8E-7-3 Maximum Buffer Sites:

The following table shall serve as a guideline for requiring buffers. The table indicates the maximum buffer which can be required. Smaller buffers may be specified where appropriate.

Type of Application	*Minimum size of lots being created*	*Maximum Buffer which can be required*	
Minor Subdivision	N/A	200 feet	
Major Subdivision	N/A	300 feet	
Rezoning and Use Permit	Size of Parcel on which rezoning or use permit is proposed	Rezoning to Residential	Rezoning to Commercial/ Industrial and Use Permits
	0-10 acres	200 feet	200 feet
	11-25 acres	250 feet	200 feet
	26-50 acres	300 feet	250 feet
	50+ acres	350 feet	250 feet

8E-7-4 Other Protection Measures:

As an alternative to buffers, or as an additional requirement, the following may be imposed as a means of serving the purposes of this Article.

8E-7-4.1 Fences;

8E-7-4.2 Berms;

8E-7-4.3 Landscaping;

8E-7-4.4 Covenants and Easements;

8E-7-4.5 Denial of Application.

8E-7-5 Where buffers may be imposed:

Buffers and protection measures may be imposed only on the property of the applicant and only along those boundary or property lines which are shared by property in which an agricultural and forestal district is adjacent, or separated only by a body of water or a public or private road or highway.

8E-7-6 Covenants and easements:

Where covenants or easements are recorded which ensure that a buffer remain undisturbed, or where the buffer is enhanced by additional landscaping, fencing, or berming, the Advisory Committee shall take such enhancement into account and may reduce the required buffer accordingly.

8E-8. Disposition of buffers following withdrawal of property from or termination of an Agricultural and Forestal District.

8E-8-1 Buffers to outlast district:

Any buffer imposed upon a property as a result of its adjacency to an agricultural and forestal district shall remain in effect even after the agricultural and forestal district ceases to exist. A required buffer may become null and void

only after the adjoining property in the agricultural and forestal district is withdrawn from such district and is subsequently rezoned to a higher zoning classification or is subject to a major subdivision. In order to make a buffer null and void, the owner of the property subject to the buffer must request that the zoning administrator verify that the conditions in this section have occurred and if they have, the owner must record a plat which indicates the removal of the buffer. Approval of such plat by the zoning administrator shall be required prior to recordation.

8E-9. Creation of Districts/Additions to Districts.

8E-9-1 Requirements for creation of district:

Any owner or owners of land may submit an application to the Board of Supervisors for the creation of a district within Culpeper County. Any application must be submitted no later than November 1st of each calendar year. Each district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in such district if the nearest boundary of such parcel is within one (1) mile of the boundary of the core, or if it is contiguous to a parcel in the district the nearest boundary of which is within one (1) mile of the boundary of the core. No land shall be included in any district without the signature on such application, or the written approval of all owners thereof.

(Ord. of 12-1-1998)

Editor's note—Ord. of 12-1-1998 added the November 1st deadline to this section.

8E-9-2 Application process:

Upon the receipt of an application for a district or for an addition to an existing district, the Board of Supervisors shall refer such application to the Planning Commission which shall:

8E-9-2.1 Provide notice of such application by publishing a notice in a newspaper having general circulation within the district and by providing for the posting of such notice in five (5) conspicuous places within the district. In addition, the adjacent property owners as shown on the maps of Culpeper County used for tax assessment purposes shall be notified by first-class mail. The notice shall contain:

a. A statement that an application for a district or an addition to a district has been filed with the Board of Supervisors and referred to the Planning Commission pursuant to this Article;

b. A statement that the application will be on file open to public inspection in the department of development;

c. Where applicable, a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty (30) days of the date that the notice is first published;

d. A statement that any owner of additional qualifying land may join the application within thirty (30) days from the date that the notice is first published, or, with the consent of the Board of Supervisors, at any time before the public hearing that the Board of Supervisors must hold on the application;

e. A statement that any owner who joined in the application may withdraw his/her land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board of Supervisors acts pursuant to § 15.2-4309 of the Code of Virginia and Article 8E-9-2.4 of the Culpeper County Code;

f. A statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this Article;

g. A statement that the application and proposed modifications will be submitted to the Advisory Committee; and

h. A statement that, upon receipt of the report of the Advisory Committee, a public hearing will be held by the Planning Commission on the application and any proposed modifications.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 added Subsections a. through h. to this section 8E-9-2.1

8E-9-2.2 Refer such application and proposed modifications to the Advisory Committee, which shall review and make its recommendations concerning the application and proposed modifications to the Planning Commission.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 removed references to time periods and modified the language of this section.

8E-9-2.3 Hold a public hearing as prescribed by law and report its recommendations to the Board of Supervisors, including, but not limited to, the potential effect of the district and proposed modifications upon planning policies and objectives. Prior to conducting the public hearing and making recommendations, the Planning Commission shall publish a notice describing the district or addition, any proposed modifications and any recommendations of the Planning Commission and the Advisory Committee in a newspaper having a general circulation within the district and send notice by first class mail to those political subdivisions and adjacent property owners.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 removed references to time periods and modified the language of this section.

8E-9-2.4 The Board of Supervisors, after receiving the report of the Planning Commission and the Advisory Committee, shall give proper public notice and notification to landowners as provided by § 15.2-4309 of the Code of Virginia, hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate. Every district created hereunder shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. The Board of Supervisors must take action on an application no later than May 1st of the year following the year of application.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 added the phrase "give proper public notice and notification to landowners as provided by § 15.2-4309 of the Code of Virginia" to the first sentence, and specified that creation of or addition to districts shall be done by ordinance. The amendment also added the last sentence of this section.

8E-10. Criteria for Districts.

8E-10-1 Considerations:

Land being considered for inclusion in a district may be evaluated by the Advisory Committee and the Planning Commission through the Virginia Land Evaluation and Site Assessment (LESA) System. The following factors should be considered by the Planning Commission and the Advisory Committee, and at any public hearing when an application that has been filed is being considered:

8E-10-1.1 The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;

8E-10-1.2 The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;

8E-10-1.3 The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

8E-10-1.4 Local developmental patterns and needs;

8E-10-1.5 The Comprehensive Plan and, if applicable, the zoning regulations;

8E-10-1.6 The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and

8E-10-1.7 Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

8E-11. Review of Districts.

8E-11-1 Review time period:

Agricultural and Forestal Districts shall be reviewed every eight (8) years. Review of any District should start at least ninety (90) days prior to the expiration of the eight (8) year period.
(Ord. of 12-1-1998)

Editor's note—Amendment of 12-1-1998 changed the start time from one hundred twenty (120) days prior to the expiration of the eight-year period to ninety (90) days prior.

8E-11-2 Recommendations:

The Board of Supervisors shall seek recommendations from the Planning Commission and the Advisory Committee in conjunction with such reviews.

8E-11-3 Advertisement and notification:

The Planning Commission shall schedule as part of the review a public meeting with the landowners, and shall send by first-class mail a written notice of the meeting and review to all owners of land within the district. The notice shall state the time and place for such meeting; that the district is being reviewed and may be continued, modified, or terminated; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the Board of Supervisors at any time before such body acts to continue, modify or terminate the district. The Board of Supervisors shall hold a public hearing as provided by law.
(Ord. of 5-6-1997)

Editor's note—Ordinance of 5-6-1997 amended this section to conform to state law.

8E-11-4 Actions following review:

Following review of any district, the Board may, by ordinance, continue, modify, or terminate the District. Whenever a district is reviewed, land may be withdrawn at the owner's discretion by filing a written notice to the Board of Supervisors prior to Board action regarding the district. Failure to submit written notice to withdraw in a timely manner will result in continuation of the district unless the Board excludes property through modification or termination of the district.

The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district.
(Ords. of 5-6-1997; 12-1-1998)

Editor's note—Amendment of 5-6-1997 amended this section to conform to state law. Amendment of 12-1-1998 added the words "by ordinance" in the first sentence of the first paragraph.

8E-11-5 Repealed.

Editor's note—Former § 8E-11-5 dealt with discretionary review and was repealed.
(Ord. of 8-5-1997)

8E-12. Withdrawal from Districts.

8E-12-1 At owners request:

At any time after the creation of a district, any owner of land lying within the district may file a written request with the Board of Supervisors to withdraw all or part of such land from the district for good and reasonable cause. The Board of Supervisors shall refer the request to the Planning Commission and the Advisory Committee for their recommendations. Public hearings shall be held by both the Planning Commission and the Board of Supervisors.

8E-12-2 Upon death of owner:

Upon the death of a property owner, any heir, devisee, surviving tenant in common, or the personal representative of the sole owner of any fee simple interest in land lying within the district shall, as a matter or right, be entitled to withdraw such land from the district upon the inheritance or descent of such land provided that such heir, devisee, personal representative, or surviving tenant in common files written notice of withdrawal with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death.

8E-13. Development of Property in Districts.

8E-13-1 More intensive uses prohibited without Board approval:

Any parcel within an Agricultural and Forestal District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains within the district. Construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operations on the same property, or for members of the immediate family of the owner, and divisions of parcels for such family members, shall not be prohibited as a more intensive use. All other types of subdivision shall be considered a more intensive use unless the division results only in parcels greater than fifty (50) acres in size.

8E-13-2 Acquisition of land within Districts by agencies of the Commonwealth of Virginia or any political subdivision.

8E-13-2.1 At Acquiring Party's Request:

Pursuant to section 15.2-4313(A) of the Code of Virginia, any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein by means other than by gift, devise, bequest or grant, or any public service corporation which intends to: (a) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition in a Culpeper County agricultural and forestry district is in excess of one (1) acre from any one (1) farm or forestry operation, or in excess of ten (10) acres total within the district, or (b) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities or water or sewer facilities to serve nonfarm structures shall comply with the following:

8E-13-2.1-1 Notify the Board of Supervisors of Culpeper County and all of the owners of land within the district at least ninety (90) days prior to taking any such action. Notice to the landowners shall be sent first class or registered mail and shall state that further information on the proposed action is on file with the Board of Supervisors.

8E-13-2.1-2 As part of such notification to the Board of Supervisors, provide specific information regarding the following:

a. A map detailing the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed.

b. An evaluation of anticipated short-term and long-term impacts that the action might have on agriculture and forestry, agricultural and forestal resources, and agricultural and forestal policy, including but not limited to:

   1) How such impacts are proposed to be minimized.

   2) Approximately how much crop and pasture land will be taken out of production? What timber species are impacted and what is their estimated commercial value?

   3) What other alternatives to the proposed action have been looked at, and why was the proposed action chosen as the best alternative? Provide ap-

proximate financial, and general environmental comparisons.

4) An evaluation of any alternatives which would not require action within the district.

c. The necessity of the action to provide service to the public in the most economical and practicable manner, including but not limited to:

1) Describe the project in detail, including a breakdown of phases, or potential future phases, if any.

2) Give an approximate projection of the construction timetable.

3) Describe the costs (by phase, if applicable) and indicate potential funding sources.

4) What are the local, regional, and national benefits to be derived from the proposed project. Include items such as traffic flow and safety, enhancement, and any other positive benefits which might be derived.

5) What businesses and/or residents will be displaced by the project, if any?

6) All other reasons for the proposed action.

8E-13-2.1-3 The information required in section 8E-13-2.1-2 above shall be provided in the form of a written report and visual aids such as maps, charts, or photographs. Twenty (20) copies of all information shall be submitted.

8E-13-2.2 Review of Acquisition:

8E-13-2.2-1 Upon receipt of a notice filed pursuant to 8E-13-2.1, the Board of Supervisors, in consultation with the Planning Commission and the Advisory Committee, shall review the proposed action and make written findings as to:

a. The effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district;

b. The necessity of the proposed action to provide service to the public in the most economical and practical manner; and

c. Whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.

8E-13-2.1-2 If the Board of Supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety (90) days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed; and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the Board of Supervisors usually meets or at a place otherwise easily accessible to the district. The Board of Supervisors shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150 day period, the Board of Supervisors shall issue a final order on the proposed action. Unless the Board of Supervisors, by an affirmative vote of a majority of the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If

the agency, corporation or political subdivision is aggrieved by the final order of the Board of Supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

(Ords. of 5-6-1997; 12-1-1998)

Editor's note—Amendment of 5-6-1997 adopted this section to require information be provided to the Board of Supervisors along with a notice of an intended acquisition in an Agricultural and Forestal District. Amendment of 12-1-1998 revised Subsection 8E-13-2.1 substantially and added Subsection 8E-13-2.2 to bring this Article into conformance with state law.

8E-14. Compliance with the Code of Virginia.

8E-14-1 Compliance:

Notwithstanding the provisions of this Article, all actions pertaining to agricultural and forestal districts shall be in compliance with Chapter 43 of Title 15.2 of the Code of Virginia, as may be amended from time to time.

ARTICLE 8F. PLANNED BUSINESS DEVELOPMENT DISTRICT (PBD)

8F-1. Purpose.

8F-1-1 Intent:

The intent of the Planned Business Development (PBD) District is to promote the efficient use of commercial/industrial land by allowing a range of land uses and densities and the flexible application of development controls. This may be accomplished while also protecting surrounding property, the natural features and scenic beauty of the land.

The Planned Business Development district is provided in recognition that many commercial, office and light industrial establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service, office, and industrial establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the provisions for the PBD allow greater development latitude. Districts should be proposed and planned for areas that provide for adequate development and expansion space, controlled access points, landscaped parking areas and public utilities. Development of the PBD will take place in general accordance with an approved Master Plan, which may allow for clustering of uses and densities in various areas of the site.

Planned Business Development districts should be a visual asset to the community. Buildings within the district are to be architecturally complementary and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

8F-2. Permitted Uses.

8F-2-1 Permitted Uses:

All of the light industrial, office and commercial use types listed in Articles 6.1B, Village Center (VC); 6.1C, Commercial Services (CS); 6.1D, Office District (OC); 6.1E, Shopping Center (SC); and 7.1A Light Industrial (LI) of this ordinance are permitted in the PBD except residential use types. Light industrial use as permitted in Article 7.1A shall comprise a minimum of thirty percent (30%) of the gross square footage in the PBD. No use shall be permitted except in the conformity with the uses specifically included in the final Master Plan approved pursuant to section 8F-6.

8F-3. Site Development Regulations.

8F-3-1 Standards:

Each Planned Business Development shall be subject to the following site development standards.

8F-3-1.1 Minimum district size: fifty (50) acres of contiguous land. Properties separated by a secondary road or stream shall be considered contiguous for the purposes of this Article.

8F-3-1.2 Minimum front setbacks: All structures proposed to front on existing public streets external to the PBD shall be located a minimum of thirty (30) feet from the existing public right-of-way.

8F-3-1.3 Lots in the PBD district shall comply with the yard requirements set forth in the district regulations referred to in 8F-2-1.

8F-3-1.4 Lot coverage:

a. More than one (1) principal structure may be placed on a lot.

b. Maximum lot coverage shall be determined through the preliminary development plan process but in no case shall exceed fifty percent (50%).

8F-3-1.5 Public streets in the PBD district shall be built in accordance with VDOT standards. If the location of a land use type is amended as permitted in 8F-6-4.5, the road standards required may be increased or decreased as necessary. In reviewing the PBD preliminary master plan, the commission may recommend, and the Board may approve, one (1) or more private streets within the proposed district.

Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary Master Plan.

8F-3-1.6 The applicants may propose a reduction to the number of parking spaces required by this ordinance for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential.

8F-3-1.7 Maximum height of structures: Forty-five (45) feet, including rooftop mechanical equipment. The maximum height may be increased provided each required yard (side, rear, or buffer) is increased five (5) feet for each one (1) foot in height over forty-five (45) feet. In no case shall the maximum height exceed sixty (60) feet.

8F-3-1.8 Central water and sewer service shall be utilized. Drainfields and individual wells will not be permitted in the PBD district.

8F-3-1.9 Utilities shall be placed underground.

8F-4. Site Development Recommendations.

8F-4-1 Physical Character Shall Be Considered:

The Planned Business Development district should be designed and developed to be a visual asset to the community of Culpeper County. Since the relationship of the development to the community and the prospects for economic success of the project have much to do with the physical character of the development, these factors shall be considered in reviewing a Planned Business District application. For this reason the following site development recommendations are made.

8F-4-1.1 The principal entrance into the PBD district should be sufficiently landscaped to comply with the purposes of this district. In addition, the first one hundred (100) linear feet of street, leading through this principal entrance into the PBD, should have a landscaped median of sufficient width and planting density to meet the purposes of this district.

8F-4-1.2 Parking within the PBD should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping factors.

8F-5. Relationship to Existing Development.

8F-5-1 Applicable Zoning Regulations:

All zoning regulations applicable from the zoning districts set forth in section 8F-2-1 shall apply to the development of the PBD district, unless modified herein, or by the Board of Supervisors in the approval of the final Master Plan.

8F-6. Application Process.

8F-6-1 Time Frame:

Notwithstanding the time frames outlined in this section, the maximum time frames permitted shall be those mandated by the Code of Virginia. Culpeper County will make every reasonable effort to complete the application process within a shorter time frame.

8F-6-2 Meeting to Discuss Application Requirements:

Prior to submitting a formal application for review and approval under these provisions, the applicant and County staff shall meet to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.

8F-6-3 Application to Constitute Amendment to Zoning Ordinance:

Any application to rezone land to the PBD designation, shall constitute an amendment to the zoning ordinance pursuant to Article 22. The written and graphic information submit-

ted by the applicant as part of the application process shall constitute proffers pursuant to Article 29 of this ordinance and shall be submitted in a proffer form which complies with Article 29. Once the Board of Supervisors has approved the final Master Plan, all accepted proffers shall constitute conditions pursuant to Article 29.

8F-6-4 Applicant Shall Complete Rezoning Application Packet:

To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information, which shall constitute a preliminary Master Plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:

8F-6-4.1 A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.

8F-6-4.2 Existing zoning, land use and ownership of each parcel proposed for the district.

8F-6-4.3 A general statement of planning objectives to be achieved by the PBD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.

8F-6-4.4 A description and analysis of existing site conditions, including information on topography, historic resources, natural water courses, floodplains, unique natural features, tree cover areas, known archeological resources, etc.

8F-6-4.5 The proposed conceptual location of each land use type of the proposed development. These designations shall be flexible, however site plan approval of a use which is located in an area for which it was not planned shall be contingent upon receipt of a revised Master Plan which reflects the change, and which is acceptable to the Planning Commission or the zoning administrator.

8F-6-4.6 The gross square footage for each use type proposed in the PBD.

8F-6-4.7 The proposed size, location and use of other portions of the tract, including landscaping and parking.

8F-6-4.8 A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. A Traffic Impact Analysis may be required by the zoning administrator.

8F-6-4.9 If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the commission may recommend, and the Board may approve such a reduction.

8F-6-4.10 The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.

8F-6-4.11 Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, landscaping, etc.

8F-6-4.12 Signage in the proposed PBD shall be in accordance with this ordinance, or an alternative signage plan specifically for the PBD may be submitted concurrently, or separately. Such an alternative plan shall be reviewed by the Planning Commission for a recommendation and then shall be approved or denied by the Board of Supervisors.

8F-6-5 Planning Commission to Review Applications:

The completed rezoning application and supporting preliminary Master Plan materials shall be submitted to the Planning Commission for review and analysis. The commission shall review this information and make a report of its findings to the Board of Supervisors. The commission shall as part of its review hold a public hearing pursuant to section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the commission public hearing.

8F-6-6 Commission to Make Report:

The commission shall make a report of its findings to the Board of Supervisors within one hundred (100) days after the first meeting of the commission at which the application may be considered, unless the applicant requests or agrees to a delay or postponement in the commission's action, or requests or agrees to an extension of this time frame. The commission's report shall recommend approval, approval with modifications, or disapproval of the PBD and accompanying preliminary Master Plan. Failure of the commission to make a report of its findings to the Board of Supervisors within this period shall constitute a Commission recommendation of approval.

8F-6-7 Modifications to Preliminary Master Plan:

If the commission recommends denial of the preliminary Master Plan, or approval with modification, the applicant shall, if requested in writing, have sixty (60) days to make any modifications. If the applicant desires to make any modifications to the preliminary Master Plan, the Board of Supervisors' review and action shall be delayed until such changes are made and submitted for review.

8F-6-8 Board of Supervisors to Hold Hearing:

The Board of Supervisors shall review the PBD application and preliminary Master Plan, and after holding a public hearing act to approve or deny the plan within ninety (90) days after such hearing. Approval of the preliminary Master Plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Article 29 of this ordinance. The Plan approved by the Board of Supervisors shall constitute the final Master Plan for the PBD. Once approved by the Board of Supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PBD district.

8F-7. Revisions to Final Master Plan.

8F-7-1 Major Revisions:

Major revisions to the final Master Plan shall be reviewed and approved following the procedures and requirements of 8F-6. Major revisions include, but are not limited to changes such as:

8F-7-1.1 Any significant increase in the density of the development;

8F-7-1.2 Substantial change in circulation or access;

8F-7-1.3 Substantial changes in the mixture of land uses (substantial shall be any increase or decrease in floor area of a particular land use type of more than forty percent (40%)).

8F-7-1.4 Any other change that the zoning administrator finds is a major divergence from the approved final Master Plan.

8F-7-2 Minor Amendments:

All other changes in the final Master Plan shall be considered minor amendments. Minor amendments may be approved by the zoning administrator or Planning Commission as part of the site plan review process for the site plan submittal which proposes to implement such a change.

8F-8. Approval of Preliminary and Final Site Development Plans.

8F-8-1 Site Development Plans:

Following the approval of the final Master Plan, the applicant or its authorized agent, shall be required to submit site development plans for approval. Site plans for any phase or

component of the PBD that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction. Standards for site plans are found in Article 20 of this ordinance.

8F-8-2 Independent Subdivision Review:

It is the intent of this section that subdivision review within a PBD be carried out independently, under the regulations set forth in the Subdivision Ordinance.

8F-9. Failure to Begin Development

8F-9-1 Time Limits:

If the applicant fails to submit a Site Plan for at least one (1) portion of the Planned Business Development District within twenty-four (24) months of the approval of the PBD and final Master Plan, the zoning administrator shall review the matter and consider whether or not to recommend that the Board of Supervisors take action to rezone the PBD to the district designations in effect prior to the approval of the final master plan.

8F-10. Compliance Following Approval of Final Development Plans.

8F-10-1 Periodic Inspections and Permit Review:

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure compliance with the submitted development schedule.

8F-11. Unified Control.

8F-11-1 Provisions:

In order to ensure unified control of a PBD development without requiring common ownership of all property within the PBD, the following provisions must be met to provide for united control:

8F-11-1.1 Unification by common development criteria in covenants and restrictions recorded among the land records of the Culpeper County Circuit Court, which criteria meet the intent of the Master Plan for the PBD.

8F-11-1.2 Unification through formation of an Owner's Association which will ensure common areas and features are developed and maintained which meet the intent of the Master Plan and comply with the covenants and restrictions.

8F-11-1.3 The covenants and restrictions shall be submitted for review with the petition for PBD zoning.

(Ord. of 6-1-1999)

Editor's note—Article 8F was adopted in its entirety on 6-1-1999.

ARTICLE 9. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions as permitted or otherwise specified in the district classifications. Any structures built within one (1) mile of an airport shall meet all the requirements of the Federal Aviation Agency recommending height of structures.

9-1. Use.

9-1-1 Hog and poultry restrictions:

There shall be no building, structure or yard for the raising and/or housing of hogs and/or poultry within 150 feet of any property line.

9-1-2 Trailer parking:

The parking of a trailer in any district is hereby prohibited; except that one (1) trailer may be parked or stored in an improved, enclosed garage or accessory building provided that no living quarters shall be maintained or any business practiced in the trailer while such trailer is parked or stored; except that, unoccupied travel or recreational trailers may be parked or stored to the rear of the front line of the main building.
(Ord. of 5-2-1972)

9-1-2A Electric service:

It shall be unlawful for any electric company to furnish electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper County unless the company has evidence that the trailer is legally parked. It shall also be unlawful for any individual to provide electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper through the use of an extension electrical cord method.
(Ord. of 5-2-1972)

9-1-2B Mobile home standards:

9-1-2B.1 Every mobile home in Culpeper County shall be equipped with skirting which completely screens the undercarriage within sixty (60) days of placement on the lot unless it can be demonstrated that compliance with said time limit is physically infeasible because of weather conditions. In such cases, the zoning administrator may grant a time extension not to exceed four (4) additional months.

9-1-2B.2 The mobile home shall be placed on a permanent foundation with axles, wheels and trailer hitch removed. This requirement may be waived by the Board of Supervisors if the mobile home is permitted for one (1) year or less pursuant to Article 28.

9-1-2B.3 Underpinning shall be required.

9-1-2B.4 Front and rear steps and landings shall be provided and shall meet all state building code requirements.

9-1-2B.5 The mobile home shall be located on its own individual lot unless subject to a use permit under Article 28 of this Ordinance.

9-1-2B.6 The mobile home shall be in compliance with all zoning requirements, including setback and yard requirements, and all applicable requirements of the Virginia Department of Health.
(Ords. of 5-2-1972; 11-3-1976; 2-4-1997)

Editor's note—Ordinance of 2-4-1997 amended this section, formerly called "Mobile Home Skirting" to clarify standards for mobile homes.

9-1-3 Commercial vehicle parking:

The parking of any commercial vehicle in any A, R, or RA district is prohibited, except a commercial vehicle of not more than two and one-half (2½) ton capacity [not to exceed manufacturer's gross weight rating of sixteen thousand (16,000) pounds GVW] may be parked in an enclosed garage in such district. A commercial vehicle of one (1) ton capacity [not to exceed manufacturer's gross weight rating of ten thousand (10,000) pounds GVW] or less, may be parked to the rear of the rear line of a main building in any A, R, or RA district or, in the case of an apartment development, in an approved off-street parking area.
(Ord. of 6-12-1996)

9-1-4 Merchandise in the street:

No merchandise shall be displayed nor business conducted between the street line and the building setback line.

9-1-5 Mother-in-law Suites:

Single family dwellings shall be prohibited from containing attached apartments, including garage or basement apartments, except that "mother-in-law suites" constructed and utilized in accordance with the provisions below shall be permitted:

9-1-5.1 The suite may contain all aspects of a separate dwelling including kitchen, bathroom, and bedroom facilities.

9-1-5.2 The suite shall be permitted only within the structure of the main dwelling. Usage of freestanding structures is expressly prohibited without a use permit as provided in Article 17. Not more than one (1) accessory suite shall be permitted within any single family dwelling.

9-1-5.3 The suite must not occupy more than thirty (30) percent of the total floor area of the dwelling or one thousand (1,000) square feet, whichever is greater.

9-1-5.4 The suite must not have its own electrical service meter.

9-1-5.5 The owner of the property upon which the dwelling and suite are located shall occupy at least one (1) of the dwelling units on the premises.

9-1-5.6 The suite must be occupied only by persons legally related to the family occupying the dwelling or caregivers serving the family occupying the dwelling.

9-1-5.7 Any external entrance to the suite shall be on the side or the rear of the dwelling such that it and the entrance to the main dwelling are not both visible from the front yard.

9-1-5.8 No mother-in-law suite shall be established without written approval from the local office of the Virginia Department of Health of the location and area for both original and reserve drain fields adequate to serve the main dwelling and the suite.

9-1-5.9 No mother-in-law suite shall be established without first obtaining a building permit to ensure compliance with building code requirements.

(Ord. of 10-8-1996)

Editor's note—Ordinance of 10-8-1996 adopted this section permitting a narrow exception to the prohibition against any additional dwelling units inside single family dwellings for "mother-in-law suites."

9-1-5B Tenant Units

9-1-5B.1 Tenant unit shall mean a separate free-standing dwelling unit which is accessory to a primary dwelling on a single parcel of land and which meets the following criteria:

9-1-5B.1a The tenant unit shall include no more than 75% of the total square footage of finished floor area in the primary dwelling.

9-1-5B.1b The owner(s) of the property upon which the tenant unit and primary dwelling are located must reside full-time in one of the two dwellings.

9-1-5B.1c Tenant units shall be permitted only if:

(1) At the time of issuance of a building permit for a tenant unit, the property upon which it is located must be legally eligible to be subdivided, meeting all Subdivision Ordinance requirements, such that the primary dwelling and the tenant unit could be accommodated on separate, distinct parcels; or

(2) The property upon which the tenant unit is proposed shall meet the following minimum size regulations:

A-1 Zoning District—15 acres
RA Zoning District—9 acres
RR Zoning District—9 acres
R-1 Zoning District—3 acres

All Other Zoning Districts - Not Permitted

9-1-5B.2 More than one tenant unit may be approved for occupancy by farm tenants, defined as a tenant who derives at

least eighty percent (80%) of their income from the farm on which the unit is located, subject to 9-1-5B.1 above.

(Ord. of 2-3-2004(2))

9-1-6 Recreational vehicle parks and campgrounds:

The location of a recreational vehicle park and campground in any division [district] where permitted shall require a use permit issued by the Board of Supervisors. The design and development of such park shall include consideration of the two (2) following basic types or an appropriate combination thereof: The "overnight type" is usually located on or near major highways where the public can stop for one (1) or two (2) nights while en route to some more distant destination. The "destination type" is usually located at or near a scenic, historic or outdoor recreation area where the public is attracted for extended stays of several days or weeks. The operators of such a park shall comply with the following:

9-1-6.1 Area: The following area requirements shall pertain for recreational vehicle parks and campgrounds:

a. Parks with only campsites or with a combination of campsites and recreational vehicle sites, shall contain at least ten (10) acres in area.

b. Parks with only recreational vehicle sites shall contain at least four (4) acres in area.

9-1-6.2 Accessory uses: Convenience establishments of a commercial nature, including small stores, coin-operated laundry and dry cleaning establishments, may be permitted subject to the following restrictions: Such establishments and any parking area primarily related to their operation shall not occupy more than five percent (5%) of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve only the needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

9-1-6.3 Screening: Where any property line of a recreational vehicle park and campground abuts land either zoned for residential use or occupied by a residential use permitted by the zoning ordinance, there shall be provided and maintained along said property line a continuous visual buffer with a minimum height of six (6) feet. This buffer shall be a compact evergreen hedge or other type of foliage screening, or shall be a combined wooden fence and shrubbery screen with the latter facing the residential zone or permitted residential use.

9-1-6.4 Space size: Each recreational vehicle site or campsite shall be at least one thousand six hundred (1,600) square feet in area with no dimension less than twenty-five (25) feet.

9-1-6.5 Density: Recreational vehicle parks and campgrounds shall not exceed a maximum of twenty (20) lots per gross acre.

9-1-6.6 Distance between recreational vehicles: No part of any recreational vehicle, tent or addition thereto shall be placed within seven and one-half (7½) feet of any recreational vehicle site or campsite line.

9-1-6.7 Water and sewer.* Each recreational vehicle park and campground site shall provide an adequate and safe water supply and method of sewage collection, treatment and disposal as approved by the County health department. Whenever a public water or sewer system is available to the park, such system shall be used. Each park shall have no less than one (1) running water spigot for every three (3) recreational vehicle sites or campsites.

9-1-6.8 Service buildings. Each recreational vehicle park and campground shall provide service buildings to house such toilet, bathing or other sanitation and/or laundry facilities as are hereinafter more particularly prescribed:

a. Permanent structures. All service buildings shall be permanent structures complying with all applicable County codes and regulations.

*__Cross reference—__Water supply, Chapter 14.

b. Distance from lots. Service buildings housing sanitation facilities shall be located no closer than thirty (30) feet to any recreational vehicle site or campsite nor farther away than four hundred (400) feet.

c. Maintenance. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health or safety of any occupant or the public, or otherwise constitute a nuisance or fire hazard.

9-1-6.9 Sanitation facilities. Each recreational vehicle park and campground shall be provided with toilets, baths or showers and other sanitation facilities in accordance with the requirements of the Culpeper County Health Department.

9-1-6.10 Occupancy. No individual unit shall be occupied nor shall any person reside, in any recreational vehicle park or campground for more than sixty (60) days within one (1) year. This provision shall apply only to campgrounds established after the date of adoption of this section.

9-1-6.11 Registration of campers. The operator of a recreational vehicle park and campground shall keep a record of all persons registering at the park or campground. This record shall show:

a. The name and permanent address of the person responsible for the camping unit registered.

b. The number in the party.

c. The year and make of car.

d. The license number and state of car's registration.

e. The date of arrival and departure.

These records shall be open to the law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein, the record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park or campground. (Ords. of 7-1-1969; 9-2-1969; 5-2-1972; 5-7-2002)

9-1-7 Residential professional: A professional office in a single-family detached residence or any accessory thereto shall be allowed in the A-1 and RA Districts only for the use of the resident occupant. Such professional office shall include an architect, certified public accountant, chiropractor, dentist, doctor of medicine, engineer, insurance agent, land surveyor, lawyer, optometrist, osteopath, planning consultant, podiatrist, psychologist, realtor and other professionals.
(Ord. of 6-3-1997)

Editor's note—Ordinance of 6-3-1997 amended this section to limit professional offices to A-1 and RA zoning districts. Professional offices formerly were permitted also in the R-2, R-3 and R-4 zoning districts.

9-1-7.1 The resident professional use must be clearly incidental and subordinate to the use of the premises for residential purposes and shall not alter the residential character of the dwelling. The total area devoted to the professional office shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. Use of the professional office is limited to the occupants and one (1) employee, assistant or associate. Off-street parking must be provided in addition to driveways and any private garage or parking area in accordance with Article 10.

9-1-7.2 The resident professional is a conditional use requiring a special permit as provided for in Article 17.
(Ords. of 5-24-1989, 3-2-1993, 6-12-1996)

Editor's note—Amended 3-2-1993 to include residential professional (home occupation) as an allowable use in the A-1 (Agricultural) District.

9-1-8 Lake Pelham-Mountain Run Lake Watershed Restrictions: The Lake Pelham Mountain Run Lake Watershed serves the Lake Pelham reservoir which is a public water supply for town and County residents and provides the surface water recharge for the lake. The watershed has been shown to be sensitive to certain development activities and susceptible to impacts from particular uses that may effect

water quality.* The lakes are subject to degradation from hazardous substances that may gain entry by spill, surface runoff or groundwater leachate. As a result, the following uses and storage thereof are prohibited in the watershed as part of any non-residential activity:

9-1-8.1 Hazardous materials and wastes.

9-1-8.2 Flammable or combustible substances and the storage of more than one hundred (100) gallons or fifty (50) pounds of such substances.

9-1-8.3 Toxic wastes and substances.

9-1-8.4 Bulk and underground storage.

9-1-8.5 Landfills and debris sites.

9-1-8.6 Storage or land spreading of sludge.

In addition, sewer treatment plants and other uses for which a NPDES or VPDES permit is required for more than one thousand (1,000) gallons of effluent are also prohibited, excluding stormwater management facilities.
(Ord. of 1-2-1991)

9-1-9 Family Day Home: The zoning administrator shall issue a zoning permit for any family day home, as defined in section 2-26A of this ordinance, serving six (6) through twelve (12) children, exclusive of the provider's own children and any children who reside in the home. Prior to issuance of the permit, the applicant shall notify each adjacent property owner via registered or certified letter. Additionally, a representative of the health department, and the County Building Official shall be consulted. In the event that no written objection is raised by any adjacent property owner, or by the Health Official or Building Official within thirty (30) days, the zoning administrator may issue the permit. If an objection is raised which results in denial of the permit, the applicant may ask to have the application considered by the Planning Commission and the Board of Supervisors according to the process set forth in § 15.2-2204 of the Code of Virginia.

No signage advertising such family day homes shall be permitted.
(Ord. of 12-6-1994)

9-2. Height.

9-2-1 Structures permitted above height limit: Silos, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights radio towers, steeples, flagpoles, chimneys, smokestacks or similar structures may be erected above the height limit herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. Such structures shall not exceed 23 feet. Penthouses shall be concealed by exterior architectural material of the same type of quality as that used in the exterior walls of the building. Noncommercial radio towers or masts may exceed the height limit no more than twenty-five (25) feet. Chimneys and smokestacks, which are in integral part of a penthouse, may exceed the height limit by not more than 27 feet.

9-3. Area.

9-3-1 Front yards; gasoline pumps: Gasoline pumps shall be erected, at least ten (10) feet behind the setback line; provided, however, that such pumps may be erected five (5) feet in front of the setback line if the main building is set back a minimum of ten (10) feet behind the setback line.

9-3-2 Lot area; hotels or motels: Hotels or motels shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

9-3-3 Lot area; family partitions: The minimum lot area of family partitions and remnants thereof shall be as required in the district that it is applied for, except and in accordance with Appendix B of the Culpeper County Code (as amended), that the minimum allowable lot and remnant thereof in the A-1 and RA Districts

*__Editor's note—__[2]Lake Pelham Watershed Study and Management Plan; Espey, Huston & Associates, Inc.; September 1989.

shall be one (1) acre or as required to satisfy County health department standards.
(Ord. of 6-12-1996)

9-3-4 Vision clearance: On any corner lot in an A, R, or RA District, there shall be no planting, structure, fence, retaining wall, shrubbery or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said street lines twenty-five (25) feet from their intersection. On any corner lot in a C or M District, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting said street lines ten (10) feet from their intersection.
(Ord. of 6-12-1996)

9-3-5 Reserved.
Editor's note—Section 9-3-5 was deleted by the Board of Supervisors on 8-3-1993.

9-3-6 Two-story accessory buildings in R Districts: In no case shall a two-story accessory building occupy any part of a required side or rear yard.
(Ord. of 8-3-1993)
Editor's note—Section 9-3-6 was amended on 8-9-1993 to apply only to R districts.

9-3-7 Projection allowed on yards and courts: No building or structure, or addition thereto, other than walls or fences, shall extend into a required setback area, yard or court, except that chimneys may extend therein eighteen (18) inches, and the following unenclosed uses may extend therein no more than four (4) feet, but not nearer than five (5) feet to any property line; balconies, eaves, trim and fascia boards and similar architectural features, platforms and terraces.

9-3-7.1 Any roofed-over area existing at the time of the adoption of this Article which is attached to a main structure and which encroaches on required setback or yard area shall not be enclosed.

9-3-7.2 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four (4) feet high; provided, however, that a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding seven (7) feet. This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in section 9-3-3. Also this provision shall not be interpreted to prohibit any open-mesh type fence enclosing any school or playground.

9-3-8 Open spaces for group building projects: For projects having more than one (1) main building, the front setback, side and rear yard requirements shall apply along the boundary lines of the project. The minimum distances between the main buildings within the project area shall be the sum of the side yard requirements between the respective buildings for each building as though it is located on a separate lot. Lot area and lot width shall be maintained as though each building is located on a separate lot.

9-3-9 Landscape features: Landscape features, such as trees, shrubs, flowers or plants, shall not be permitted or maintained on any required front, side or rear yard if they produce a hedge effect or interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side or rear yard, provided that they do not interfere with public safety and do not produce a hedge effect contrary to provisions of sections 9-3-4 and 9-3-7.
(Ords. of 5-24-1989; 3-5-1991)

9-3-10 Utility and Community Facilities Lots: Lots to be used solely for the location and operation of electric substations, or booster, relayed or pump stations for natural gas, telephone, water, sewer, and similar public utilities and lots to be used for community facilities such as fire or police stations, waste transfer sites, post offices, and public recreation areas shall not be required to comply with area or frontage regulations. The minimum area shall be 1.5 acres or the district minimum, whatever is less. Setback and yard regulations shall be enforced. This section shall not apply to lots

used for the location and operation of primary utility facilities nor shall it be construed to allow any use which is not specifically allowed in the zoning district. Public utilities require, at a minimum, a use permit and a site plan as per Articles 17 and 20 of this ordinance, respectively. Community facilities require a site plan as per Article 20, and in some cases, may require a use permit as per Article 17.
(Ords. of 11-4-1992, 8-2-1994, 6-1-1999)

Editor's note—Former § 9-3-10, which dealt with plan preparation, was repealed by the ordinance of 5-24-1989. Amendment of 11-4-1992 added new § 9-3-10 to allow for lots used solely for public utilities to be less than the normal minimum lot size of the zoning district in which they are located. The ordinance amendment of 8-2-1994 added community facilities lots to this exception. The ordinance amendment of 6-1-1999 added post offices to this exception.

9-4. Building separation.

9-4-1 Minimum separation: In districts where more than one (1) detached principal building is allowed on a lot, there shall be a minimum separation between the nearest vertical walls to ensure adequate privacy, light, air circulation and design flexibility. The minimum distance required between principal structures shall be the average of the sum of the height of the extension wall of both structures (measured from the adjacent grade to the peak or highest structural point of the roof) multiplied by one and five-tenths (1.5). This is expressed by the formula:

$$\frac{Ha + Hb}{D = 2} \times 1.5$$

Where

D = The minimum building separation (feet).

Ha, Hb = The height of each building (feet).

In no case shall the minimum building separation be less than thirty (30) feet.
(Ord. of 5-24-1989)

9-4A. Alleys.

Alleys not less than twenty (20) feet in right-of-way width may be provided in the rear of all commercial and industrial properties unless other provisions are made for parking and service. Alleys shall also be permitted in the following residential districts: R-1, R-2, R-3, R-4, and PUD.

Easements for alleys in residential districts shall be a minimum of twenty (20) feet in width, including appropriate sight distance, drainage, and radius for emergency vehicles. A minimum paved travel way of fifteen (15) feet shall be provided. One and one-half (1.5) inches of surface mix over three (3) inches of base pavement and six (6) inches of sub-base stone shall be the minimum pavement required with a minimum of two-foot shoulders. Additional pavement/base may be required if it is determined that the site soil conditions warrant the additional improvements. The maximum grade for an alley shall be ten (10) percent, except that the grade shall not exceed three (3) percent for the first twenty-five (25) feet from the street connection.

A minimum setback of ten (10) feet shall be required from the edge of the easement to any accessory structure, garage, or other structure. All structures shall also comply with the underlying zoning district rear and side yard setbacks. No parking shall be permitted on paved travel way; however, parking may be permitted within the alley easement if additional easement width is provided to accommodate such parking. All required off-street parking shall be provided on each lot. Garages shall not count toward off-street parking requirements. A twenty-foot setback shall be provided from an alley intersection and the first structure, parking space, or any street tree planting.

In residential developments where alleys are provided, the following features must also be provided in front of dwellings:

a. On street parking on at least one (1) side of the street.

b. Sidewalks at least four (4) feet in width, parallel to street.

c. Lead walks at least three (3) feet in width from the dwelling to the parallel street sidewalk.

Sidewalks and lead walks must be constructed with concrete or other suitable impervious material.

Alley easements shall be owned, controlled, and maintained by a homeowners association (HOA) or similar association or owned by individ-

ual property owners with control and maintenance by a HOA or other association. Notation on both the plat and deeds shall be provided that clearly and boldly states the ownership, maintenance, and control responsibility for alleys. Culpeper County shall not, under any circumstances, assume any maintenance or ownership responsibilities for any alley, unless otherwise permitted or required by law. Homeowners' association covenants, which provide for the maintenance and upkeep of the alleys, shall be submitted with the final construction plans for review.

Any of the provisions of this section may be waived or varied by the Planning Commission if it is determined that the purpose and intent of the ordinance can be met through alternative means. (Ord. of 11-6-2002)

9-5. Cluster housing.

9-5-1 Intent of cluster development: Cluster development is intended to encourage flexibility in residential setting and subdivision design for the purpose of providing attractive, economical and environmentally sound land use. The regulation allows for the clustering of housing in order to reserve or protect land with unique natural or physical attributes or to provide recreation opportunities for development. Cluster development is limited to residential uses and will result in a large area of natural or open space for recreation or conservation purposes.

9-5-2 Where cluster housing applicable: Cluster housing shall be applicable in the RR, R-1, R-2 and R-3 Districts only and subject to the uses, structures and regulations of the district where the cluster lies, except as provided herein. Any use of the cluster provisions shall require the approval of the Planning Commission and Board of Supervisors pursuant to the Culpeper County Subdivision Ordinance.* Such provisions may be required by the Planning Commission as a condition in order to conserve a specific area as defined in section 9-5-3.4.
(Ords. of 6-12-1996, 11-3-1999)

*See Appendix B., Subdivision Ordinance

9-5-3 Regulations: The following regulations shall apply to all cluster housing as provided for in this section:

9-5-3.1 Minimum development area. The minimum area to be developed for cluster housing shall be five (5) acres in the RR, R-1, R-2 and R-3 Districts. Development of a new cluster abutting an existing cluster can be less than the five (5) acres minimum, subject to the approval of the Planning Commission.
(Ords. of 6-12-1996, 11-3-1999)

9-5-3.2 Density of development. The maximum number of units allowed in a cluster shall not exceed the total density normally allowable in the district where the cluster provision is applied. Surface waters, wetlands, one hundred (100) year floodplains, and slopes in excess of twenty-five percent (25%) shall be subtracted from the overall tract acreage prior to calculating the allowable density of the development.

In addition, any applicant proposing a cluster development shall submit a plan indicating the features of the land listed above and estimating the realistic lot yield based upon the suitability of the soils for drainfields under a traditional development proposal (soil suitability is not required where a central sewage treatment facility is to be utilized). Such a plan shall be sealed by a licensed engineer or land surveyor. In no case shall a cluster development proposal exceed the density which could be achieved under a traditional development proposal.
(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 added the second sentence to the first paragraph of this subsection, and the entire second paragraph.

9-5-3.3 Utility services. Sewer and water services shall be provided as required for the district wherein the cluster lies and as regulated by the health department or the state water control board.

9-5-3.4 Conservation area or open space. In the utilization of cluster provisions, at least forty percent (40%) of the gross

acreage of the original tract(s) shall remain in the conservation area or recreation or open space and dedicated as such. Such dedication shall be recorded in the Culpeper County Clerk's office and shall contain appropriate covenants or deed restrictions, as acceptable to the zoning administrator. The covenants shall provide for the appropriate restriction of use and maintenance of the open space in accordance with the purpose of its dedication. Unique site features required as a minimum to be retained in such dedicated open space or conservation area include floodplains, wetlands, slopes in excess of twenty-five percent (25%), rock outcrops, gorges, streams/rivers, caverns, woodlands and other natural areas. The dedicated area or open space shall be eligible to become a lot of record and entitled to be developed in accordance with the regulations of the Zoning Ordinance limited to agricultural use and/or a single residential dwelling unit. Dedicated open space areas shall be single, contiguous parcels wherever possible. In cases where open space is not entirely contiguous, the minimum size of an open space parcel shall be thirty (30) acres.
(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 added the last two (2) sentences in this subsection.

9-5-3.5 Buffer with surrounding uses. Cluster housing shall be one hundred (100) to two hundred (200) feet from any lower zoning or less intensive use, except in the case of an adjoining or abutting cluster development.

9-5-3.6 Access. All pedestrian and vehicular access and on-site circulation is to be provided by the developer as part of the cluster development. Access to dedicated open space and recreation areas shall be required as appropriate.

9-5-3.7 Maximum height. The height of structures shall be as governed by the district in which the cluster development lies.

9-5-3.8 Minimum lot area, width and yard requirements. The minimum standard for cluster housing lot development shall be governed by the following schedules.
(Ords. of 5-24-1989; 11-6-1991)

Editor's note—The schedules of development requirements are found at the end of this Chapter.

9-5-4 Lake Pelham-Mountain Run Lake Watershed:

Watershed development may be required to cluster by the Planning Commission in accordance with Article 8C of this Zoning Ordinance. Such development shall be of integral design to provide open space for buffers and identified areas of watershed preservation and reduce development intensity in close proximity to sensitive watershed features. Any nonresidential development (other than parks, stormwater management facilities, churches and community facilities) associated with the cluster shall be commercial only, limited to ten percent (10%) of the tract and primarily serving immediate resident needs. In addition to the minimum requirements contained in 9-5-3.8 of this section, lot width, size and yards of development in the watershed may be reduced thirty percent (30%) in the R-3 and R-4 Districts in order to promote cluster housing and provide for adequate watershed protection.
(Ord. of 3-3-1992)

9-6. Draft biosolids regulation, testing and monitoring.

9-6-1 Purpose and intent: The purpose of this section is to monitor the application of biosolids to agricultural land in Culpeper County as authorized by the Code of Virginia and applicable regulations. This section is intended to implement the authority granted to local governments by Va. Code § 62.1-44.19:3, to provide for the testing and monitoring of land application of biosolids within the political boundaries of Culpeper County in order to ensure compliance with applicable laws and regulations and to make pertinent information available to the Board of Supervisors, County officials and residents of the County on matters related to biosolids land application.

Improper management of biosolids may result in adverse effects to human health, agricultural lands, water supplies, wildlife, livestock, natural resources and the environment

When properly managed, land application of biosolids represents the beneficial use of a recycled nutrient product. This section is intended to ensure that laws and regulations governing the land application of biosolids are properly implemented and enforced, and to minimize nuisance complaints related to land application of biosolids.

This section is not intended to apply to the land application of animal waste or manures, water treatment plant sludge, or exceptional quality biosolids.

9-6-2 Authority and severability:

A. *Authority.* This section is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to §§ 15.2-1200 et seq., 15.2-2283 et seq., and 62.1-44.19:3.

B. *Severability.* In the event that any portion of this section is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable.

9-6-3 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biosolids means sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state regulations.

Biosolids Monitor means an employee of the County, either full-time or part-time, charged with the responsibility of ensuring that the land application of biosolids is conducted in accordance with applicable laws and regulations. This shall include the Zoning Administrator or his agents.

Exceptional quality biosolids means Biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with state regulations.

Land application means the distribution of biosolids upon, or insertion into, the land at agronomic rates for the purpose of nutrient utilization.

Permit means an authorization granted by the authority of the Commonwealth of Virginia to land apply biosolids.

Permittee means any person who holds the necessary permits authorizing the land application of biosolids in Culpeper County.

Sewage sludge means any solid, semi-solid, or liquid residues, which contain materials, removed from municipal or domestic wastewater during treatment including primary and secondary residues.

Storage facility means any facility whose purpose is to store biosolids during periods when inclement weather, field conditions or other circumstances beyond the control of the Permittee, prevent or delay the land application of biosolids at the anticipated time.

9-6-4 Permits required: Land application of biosolids is prohibited in Culpeper County unless authorized by all applicable state and/or federal permits.

9-6-5 Information: Any person filing an application with Virginia or federal authorities for a permit for land application of biosolids in Culpeper County shall file certain information with the Culpeper County Zoning Administrator. The information shall include the following:

(a) Name, address and telephone number of applicant. If the applicant is a company or corporation, the appli-

cant shall include the name, title and telephone number of the person or persons who will be responsible for land application activities under the permit;

(b) Copies of the application and all supporting information submitted to regulatory agencies in connection with the activities described in the application. This information shall include, without limitation, a copy of the applicants approved operations and maintenance manual incorporating procedures for sampling and analysis of biosolids and soils, spill prevention and cleanup procedures and analytical data pertaining to sources of biosolids proposed for land application within Culpeper County. The applicant shall also include copies of all site-specific information pertaining to permitted activities, including site maps, proposed crops and methods of application;

(c) A traffic management plan indicating truck access routes and trip generation;

(d) Written consent by the owners of land to which biosolids will be applied; and

(e) Proof of current insurance or other evidence of financial responsibility satisfying the requirements in this ordinance.

9-6-6 Conditions:

A. Provided it is performed in compliance with this section, land application of biosolids is authorized only in the A-1 (Agricultural) and RA (Rural Area) zoning districts, or for the purpose of mining reclamation if permitted under state law.

B. No person shall apply biosolids to land in Culpeper County except pursuant to a valid permit issued by the Virginia Department of Health or Department of Environmental Quality, in compliance with all applicable federal and state statutes and regulations, and in accordance with the provisions of this section.

C. Any person proposing or intending to land apply biosolids to lands in Culpeper County shall notify the biosolids monitor in writing at least two (2) weeks prior to any intended land application of biosolids, or as otherwise required by state law or regulation, whichever is greater.

D. The notice provided to the biosolids monitor shall include the following information:

1. The name, address and telephone number of the Permittee:
2. The tax map numbers of the parcels where land application will occur;
3. The name, address and telephone number of the owner of the property where the land application will occur;
4. The estimated date range on which land application will occur;
5. A copy of the permits authorizing the land application;
6. Evidence of a Nutrient Management Plan (NMP) as required by state regulations to assure balanced use of biosolids to prevent overdose by limiting amount applied per acre to soil and crop needs; and
7. Information on proposed haul routes.

E. The Permittee shall advise the Biosolids Monitor from time to time as to the progress of operations while operations are conducted within Culpeper County.

F. If requested by the Biosolids Monitor, the Permittee shall provide the most recent analysis results for biosolids that are land applied at

any site in Culpeper County. The Permittee shall allow the Biosolids Monitor, upon request, to obtain samples of biosolids being land applied in Culpeper County. At the request of the Permittee, the Biosolids Monitor shall provide the Permittee with a split sample.

G. By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the Biosolids Monitor access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the Permittee to ensure that the property owner is advised of this requirement. The Biosolids Monitor's right of access shall extend from the date on which the notification required by subsection C. is submitted until fifteen (15) days after land application has been completed at the site.

H. The Biosolids Monitor shall endeavor to visit each land application site at least once during the application process to assure compliance with all regulatory requirements.

I. The Permittee shall immediately notify the Zoning Administrator of any change in ownership of the Permittee or in responsible personnel designated in the original application, or in the data submitted with the application.

J. The Permittee shall provide contemporaneous copies of all data, reports and information submitted in accordance with state or federal regulatory requirements.

K. The Permittee shall provide a general schedule of application in Culpeper County to the Zoning Administrator, and shall promptly notify the Zoning Administrator of any changes to the schedule.

L. The Permittee shall immediately report to the Zoning Administrator any complaints or notices of violations received in connection with land application activities conducted under the permit.

9-6-7 Abatement of violations; spill response: The Biosolids Monitor shall immediately notify the Permittee of any failure to follow the applicable regulations or the Permittee's operational plan, resulting in the improper application of biosolids or in the spillage of biosolids onto public streets or right-of-way or on property outside the area authorized. The Biosolids Monitor may order the abatement of any violation of state laws or regulations pertaining to land application of biosolids. The Permittee shall respond, in conformance with its operational plan, to cease any such violations and to undertake appropriate corrective action for improperly applied biosolids, or to clean up biosolids spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the Permittee does not respond promptly to notification of spillage or improper application and the County conducts the cleanup of spilled biosolids, the Permittee shall compensate the County for the actual costs of such cleanup.

The Permittee is responsible for ensuring that the drag-out or track-out of biosolids from land application sites onto public roads is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

9-6-8 Scheduling: The Permittee will, at the request of the Biosolids Monitor, make all reasonable efforts to schedule land application activities so as to avoid conflicts with outdoor community or social events in the vicinity of the land application site.

9-6-9 Storage: Biosolids shall be land applied as they are received at the site unless land application is precluded by unforeseen weather conditions or other circumstances beyond the control of the Permittee. Biosolids shall not be stored at any site in Culpeper County other

than storage that is approved in accordance with the Regulations of the Virginia Department of Health.

9-6-10 Insurance: Land application of biosolids is not allowed unless the Permittee has in effect liability insurance or other evidence of financial responsibility in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of biosolids and related activities in Culpeper County. Such insurance shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of biosolids in Culpeper County. The Permittee shall provide the Biosolids Monitor with certificates of insurance or other evidence of financial responsibility and shall promptly notify the Biosolids Monitor of any proposed cancellation or modification of insurance coverage.

9-6-11 Reimbursement: Culpeper County may, at its discretion, participate in a reimbursement program to cover biosolids monitoring and/or testing costs and other costs of reviewing biosolids applications in Culpeper County as permitted by the terms of reimbursement which have been established by the state.

9-6-12 Effective date: This section is effective immediately. Any land application that is in progress on the date the ordinance from which this section derives is adopted [(November 5, 2003)], and any land application that was scheduled before the effective date of the ordinance, shall be deemed in compliance with this section provided that application is completed within thirty (30) days after the effective date of the ordinance.

9-6-13 Violation: Any violation of this section shall be a class 1 misdemeanor as defined in the Code of Virginia, as amended. Each violation shall constitute a separate offense. For each continuing violation, each day shall constitute a separate offense.

(Ord. of 11-5-2003)

MINIMUM LOT, AREA, WIDTH AND YARD REQUIREMENTS
(See Article 9, Section 9-5-3.8)

Zone	*Minimum Residential Area Regulations (Cluster)*			
	Single-Family	*Duplex/0-Lot*	*Townhouse*	*Apartment*
A-1	—	—	—	—
RA	—	—	—	—
RR	43,560	—	—	—
R-1	20,000	—	—	—
R-2	15,000	15,000	—	—
R-3	6,000	6,000	2,000	—
R-4	—	—	—	—

Minimum Residential Width Requirements (Cluster)								
	Single-Family		*Duplex/0-Lot*		*Townhouse*		*Apartment*	
Zone	*INT*	*CNR*	*INT*	*CNR*	*INT*	*CNR*	*INT*	*CNR*
A-1	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—
RR	120	120	—	—	—	—	—	—
R-1	85	100	—	—	—	—	—	—
R-2	75	90	65	75	—	—	—	—
R-3	55	75	55	75	20	40	—	—
R-4	—	—	—	—	—	—	—	—

Minimum Residential Yard Regulations (Cluster)									
Zone	*Single-Family*			*Duplex/0-Lot*			*Townhouse*		
	F	*S(C)*	*R*	*F*	*S(C)*	*R*	*F*	*S(C)*	*F*
A-1	—	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—	—
RR	50	20(40)	35	—	—	—	—	—	—
R-1	45	15(25)	30	—	—	—	—	—	—
R-2	40	10(20)	25	40	15(25)	25	—	—	—
R-3	25	8(20)	15	25	8(20)	15	35	0(15)	25
R-4	—	—	—	—	—	—	—	—	—

ARTICLE 10. AUTOMOBILE PARKING, STANDING AND LOADING SPACE

Virtually every land use in the County of Culpeper now requires, and in the foreseeable future will require, access by motor vehicles. For the purposes of reducing and avoiding congestion of streets and providing a more suitable living and working environment, it is hereby declared to be the policy of the County of Culpeper that for every land use hereafter established, there shall be provided sufficient space for access to, and for the off-street standing and parking of, all motor vehicles that may be expected to come to the establishment at any time under normal conditions for any purpose, whether as patrons, customers, purveyors, guests, employees or otherwise. The responsibility for providing the space required by this ordinance shall be that of whomsoever establishes the use to which it is appurtenant.

The requirements as to off-street parking space and off-street loading space set forth in this ordinance are adopted in pursuance of the foregoing policy. Said requirements shall be deemed to be minimum requirements.

10-1. General requirements.

The requirements set forth in this Article, with respect to the location or improvement of parking, standing and loading space, shall apply to all such space that is provided for any use, whether said space is provided in accordance with the requirements of this ordinance or said space is voluntarily provided. Off-street parking, standing and loading space shall comply with the following regulations:

10-1-1 Use and parking on same lot:

Off-street parking and off-street loading space appurtenant to any use permitted in A, R, or RA Districts shall be provided in the same parcel of land occupied by the use to which said space is appurtenant.
(Ord. of 6-12-1996)

10-1-2 Off-site parking:

All off-street parking space appurtenant to any use, other than a use permitted in an A, R, or RA District, shall be provided on the same parcel of land with the use to which it is appurtenant; provided, however, that where there are practical difficulties in the way of such location of parking space or if the public safety or the public convenience, or both, would be better served by the location thereof other than on the same parcel of land with the use to which it is appurtenant, the governing body, acting on a specific application, shall authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

10-1-2.1 Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant.

10-1-2.2 A pedestrian entrance to such space shall be located within a distance of six hundred (600) feet, by the shortest route of effective pedestrian access, entrance to entrance.

10-1-2.3 Such space shall be conveniently usable without causing unreasonable:

a. Hazard to pedestrians.

b. Hazard to vehicular traffic.

c. Traffic congestion.

d. Interface with safe and convenient access to other parking space in the vicinity.

e. Detriment to the appropriate use of business property in the vicinity.

f. Detriment to any residential neighborhood.
(Ord. of 6-12-1996)

10-1-3 Vehicle access to parking space:

In calculating any required parking area, other than for parking spaces required for single-and two-family dwellings, sufficient access and maneuvering space shall be provided to permit the parking and removal of any vehicle without moving other vehicles.

10-1-4 Transitional parking use restrictions:

In transitional parking areas, no activity or use shall be conducted on the area except the parking of customer or employee automobiles

and uses as specifically permitted in that particular district; the use of the area for parking shall not be deemed to include any sales or servicing whatsoever.

10-2. Required improvements.

Every parcel of land hereafter used as a private or public standing or parking area (other than parking required for single-and two-family dwellings), a loading space or a motor vehicle sales or storage lot (referred to in this Article as "parking area") shall be provided with safe and convenient access to a street and shall be improved in accordance with the following requirements:

10-2-1 Paving:

The ground surface shall be paved with a durable, dust-free and hard material, such as bituminous hot mix or Portland cement concrete or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

10-2-2 Curbs and delineation:

Fixed and permanent wheel bumpers or curbs of concrete or some comparable material at least four (4) inches high shall be installed for each parking area at least four (4) feet within the prescribed limits of the parking area. Where the parking is so designed that the vehicle overhand does not protrude outside the prescribed limits of the area, such curbs may be placed at the outside limits of the area. Parking spaces shall be delineated and periodically restored to maintain a clear identification of separate parking stalls.

10-2-3 Curb cuts:

Driveway openings through the curb shall be a minimum of thirty (30) feet in width and a maximum of fifty (50) feet in width measured at the street line. There shall not be less than twenty-five (25) feet between driveway openings, and there shall not be less than twelve and one-half (12½) feet from any driveway openings to any property line.

10-2-4 Screening:

Except between abutting R zoned lots or where topography achieves the same effect, any part of such parking area located closer than fifty (50) feet to a side or rear lot line of a lot in A, R, or RA Districts or where such parking extends into A, R, or RA Districts as a permitted transitional use, a wall or fence shall be erected along the boundary thereof. Such wall or fence shall consist of durable material so arranged that direct light cannot penetrate the face thereof. Such wall or fence shall have a minimum height of three and one-half (3½) feet above the finished surface of the area that it bounds, measured at the wheel bumper, where such exists, and of three and one-half (3½) feet above the ground surface on the side exposed to abutting properties.
(Ord. of 6-12-1996)

10-2-5 Parking in setback:

In all A, R, and RA Districts, no parking or required curb or wall shall encroach on any required setback area, and such area shall be landscaped with ground cover, properly maintained at all times; provided, however, in "R" districts such parking and driveways may encroach on the interior fifteen (15) feet of the setback area.
(Ord. of 6-12-1996)

10-2-6 Lighting:

Any lights used to illuminate any such area shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of such area.

10-2-7 Plans:

Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include plans in duplicate covering all the foregoing requirements which shall be approved by the zoning administrator before work is commenced.

10-3. Required off-street parking and standing.

Parking or standing spaces shall be provided for each use, as permitted in respective classifications, in not less than the amounts set forth in the

following chart for every building, or addition thereto, and for all uses of land hereafter established or expanded.

10-3-1 Use of parking or standing space:

Parking or standing space required by this ordinance shall be used only for those purposes. Any other use of said space, including any repair work or servicing or any kind, shall be deemed to constitute a separate commercial use of said space in violation of the provisions of this ordinance.

10-3-2 Minimum size of all parking and maneuvering space:

All parking [spaces] shall be a minimum of nine (9) feet by twenty (20) feet. The minimum aisle space for ninety (90) degree parking shall be twenty-six (26) feet in width. The minimum aisle space for sixty (60) degree parking shall be twenty-three (23) feet in width. The minimum aisle space for forty-five (45) degree parking shall be twenty (20) feet in width. The minimum aisle space for thirty (30) degree parking shall be seventeen (17) feet in width. For aisle width of any parking area that the degree of angular parking varies from the specifications above, the aisle width shall be calculated by using a ratio of the above set forth specification; however, in no case shall the aisle width be less than sixteen (16) feet.

10-3-3 Computation:

For the purpose of computing required off-street standing and parking or loading space in relation to flood area, the gross floor area shall be used. When computing parking space requirements on the basis of the number of occupants, practitioners or employees, the total maximum number of said occupants on the premises at any one (1) time shall be used. When application of the requirements would result in a fractional space, any fraction shall be counted as one (1) space. If there is any uncertainty with respect to the amount of parking space required by the provisions of this ordinance as a result of any indefiniteness as to the proposed use of a building or of land, the maximum requirement for the general type of use that is involved shall govern.

10-3-4 Chart of required parking and standing spaces:

10-3-4.1 Conditional and community service uses: Sufficient space to be provided on the lot for the use, as determined by the Board of Supervisors, in conformity to the policy set forth above, except:

a. Nursery schools: One (1) space for each staff member or employee, plus one space for each one dwelling unit in the establishment.

b. Elementary schools and junior high schools: One (1) space for each twenty (20) students of design capacity.

c. High schools: One (1) space for each ten (10) students of design capacity.

d. Schools of higher instruction: Such parking space as may be determined to be necessary in accordance with policy set forth above in 10-3-4.1.

e. In any of the above schools, for any auditorium or other facility for public assembly, one space for each ten (10) seats or other vantage accommodation for spectators.

f. Auditoriums, multi-purpose rooms, gymnasium or other facilities used for public assembly but having no fixed seating arrangement specified: One space per fifty (50) square feet of floor area.

g. Establishments other than schools, involving public assembly (excluding church sanctuaries), club buildings (other than golf clubs, and community buildings): One space for each three (3) seats or other accommodations for attendants or participants, computed on the basis of one accommodation for each attendant or participant.

h. Golf courses: 40 spaces for each standard nine (9) holes, plus one space for each employee or attendant.

i. Community swimming pools: One space for each 40 square feet of pool area.

j. Church sanctuaries: One space for each five (5) sanctuary seats. Notwithstanding other sections of this ordinance, required parking space for churches may be located on a parking lot which is accessory to another principal use which is not open or operating on Sundays, if said lot is located within six hundred (600) feet, by the shortest route of effective pedestrian access.

k. Hospitals, rest homes, nursing homes, sanitariums, convalescent homes and institutions: One space for each four (4) beds, plus one space for each two (2) employees (other than staff doctors), plus one space for each doctor assigned to the staff.

l. Libraries, art galleries and museums, private and public: One space for each five hundred (500) square feet of floor area.

10-3-4.2 Residential and housing uses:

a. Single-family dwellings: One space for each dwelling unit.

b. Dwellings, other than single-family: One and one-fourth (1¼) space for each of the first two hundred (200) dwelling units in any structure and one space for each additional dwelling unit.

c. Establishments with sleeping accommodations, other than dwellings, including tourist courts, tourist homes, lodging or rooming houses, motels and motor hotels: One (1) space for each dwelling unit or guest room plus one space for each two (2) employees or permanent residents, plus such additional spaces as are required herein for affiliated uses such as restaurants and the like.

10-3-4.3 Retail and service uses: One (1) space for each two hundred (200) square feet of floor area including basement or other areas usable or adaptable without structural alterations for service uses, except:

a. Automobile service station and public garage: Three (3) standing spaces for each wash rack, lubrication rack, repair bay or similar facility for the servicing or repair of motor vehicles, not including said rack or bay as a space, plus one parking space for each employee.

b. Bowling alley: Two (2) spaces for each alley.

c. Attended car wash: Twenty (20) standing or parking spaces for waiting vehicles for each wash rack, plus one parking space for each two (2) employees.

d. Self-service car wash: Five (5) standing or parking spaces for waiting vehicles for each wash rack.

e. Drive-in banking and similar "drive-in service" establishments: Five (5) standing spaces for each teller or customer window.

f. Establishments for the servicing or handling of articles or goods (e.g., cleaning establishments, sign painting shops, etc.): One (1) space for each 250 square feet of floor [area], but not less than three (3) spaces for any one establishment.

g. Furniture and appliance stores; furniture repair shops: One (1) space for each four hundred (500) square feet of floor area.

h. Greenhouses and nurseries: One (1) space for each four hundred (400) square feet of floor area plus such space as may be determined to be necessary in accordance with the policy set forth above in 10-3-4.3.

i. Motor vehicle sales: One (1) customer and one employee parking space for each one thousand two hundred (1,200) square feet of area, whether or not said area is enclosed.

j. Offices of physicians, surgeons and dentists:

Sq. ft. (in each bldg.)	*Parking required*
First 5,000	1 space for each 150 sq. ft.
Area in excess of 5,000	1 space for each 200 sq. ft.

k. Other office buildings: One (1) parking space for each three hundred (300) square feet of floor area in that portion of the basement adaptable for use as an office or sales space and first five (5) stories and one space for each four hundred (400) square feet of floor area for all stories above five (5) stories, plus one space for each building maintenance or custodial employee on duty during daylight hours.

l. Restaurants: One (1) space for each six (6) seats (in addition to all parking space provided for service to patrons while seated in automobiles). Curb service portion of restaurants shall be totally exempt.

m. Theaters, auditoriums and other commercial places of public assembly: One (1) space for each three (3) seats or other accommodations, for attendants, employees or participants.

n. Undertaking establishments; funeral parlors: One (1) space for each five (5) seats, provided that there shall be not less than twenty (20) spaces for each chapel or parlor.

10-3-4.4 Warehouse, wholesale and manufacturing uses: For uses consisting of the manufacture, processing, assembly, storage, warehousing, wholesale, but not wholesale associated with retail uses, and distribution of products: One (1) space for each one thousand (1,000) square feet of floor area, or one (1) space for each two (2) employees, whichever is the greater.

10-3-5 Off-street loading:

Off-street loading spaces shall be provided for each use, as permitted in respective classifications, in not less than the amounts set forth in the chart below for every building, or addition thereto, and for all uses of land established or expanded:

10-3-5.1 All conditional uses: Sufficient space to provide on the lot for the use, as determined by the Governing Body in conformity to the policy set forth above.

10-3-5.2 Over six thousand (6,000) square feet of space for offices and personal service establishments, including prescription filling, out-patient clinics and schools, not adaptable for the use for retail purposes: One (1) loading space.

10-3-5.3 Over three thousand (3,000) square feet of floor area designed or adaptable for retail business purposes: One loading space; one additional space for more than fifteen thousand (15,000) square feet; one additional space for more than fifty thousand (50,000) square feet; and one additional space for each one hundred thousand (100,000) square feet of such floor area.

10-3-5.4 For all wholesale and manufacturing uses: One loading space; one additional space for more than fifteen thousand (15,000) square feet of floor area; one additional space for each fifty thousand (50,000) square feet; and one additional space for each one hundred thousand (100,000) square feet of such floor area.

ARTICLE 11. NAMEPLATES AND SIGNS

Strict limitation of all display of signs, billboards and other displays of devices to direct, identify, inform, persuade, advertise or attract attention, herein called "signs", is required to protect property values, protect the character and the economic stability of property, encourage the most appropriate use of land, secure safety on the streets, achieve a more desirable future, living environment, protect and enhance the desirability of the County as a place of residence, employment, commerce, industry and civic activity, or investment and protect the public welfare.

Any sign placed on land or on a structure for the purpose of identification, protection or for advertising a product or service available on the premises, or a use conducted thereon, shall be deemed to be an accessory use. It is the purpose of this ordinance to place such limitations on the display of all said signs as will assure that they will:

(a) Be appropriate to the land, building, or use to which they are appurtenant, and

(b) Be adequate but not excessive for the intended purpose of identification, protection, or advertisement.

Signs advertising business uses are specifically intended, amount other things, to avoid excessive competition among sign displays in their demand for public attention.

It is intended by this ordinance that all signs erected for directional purposes, or for public information, shall be confined to those of general public interest and limited to the giving of information.

All other signs, commonly referred to as outdoor advertising, are deemed to constitute a separate use, unique among all uses in the County in that they are essentially a use of the streets and highways. Outdoor advertising is deemed to be inappropriate to the character and sound development of the County and it is intended by this ordinance that the streets and highways in the County shall not be made available for said display. Outdoor advertising shall be confined to locations in industrial districts in which it is compatible with other uses permitted therein.

11-1. Signs in all districts.

The following signs shall be permitted and sign regulations shall apply in all districts unless otherwise expressly specified herein, and the area of any sign permitted in all districts shall not be included in computing the amount of sign area used or the aggregate sign area permitted for the purpose of said provisions.

11-1-1 Sign placement:

Every sign shall be placed flat against a building, projecting not more than twelve (12) inches therefrom and not extending more than three (3) feet above the height of the actual roof line of the building, measured from the actual roof line in the case of a flat roof or the eaves line in the case of a hip or gable roof; provided that, in buildings constructed with a parapet wall the sign shall not be more than three (3) feet above the parapet wall. Free standing signs shall be permitted to the height permitted in the district. Any projecting sign, which is otherwise permitted to project horizontally more than eight (8) inches from any building or other permitted support, shall not project more than 42 inches therefrom, nor more than 42 inches into any street right-of-way, nor shall said projecting sign be located less than ten (10) feet above finished grade beneath said sign. Freestanding signs permitted in A, R, and RA Districts shall be located fifteen (15) feet from all street lines.
(Ord. of 6-12-1996)

11-1-2 Signs adjacent to residential districts:

No sign shall be permitted on that part of the side or rear wall of a building within one hundred (100) feet from any residence in A, R, or RA districts.
(Ord. of 6-12-1996)

11-1-3 Sign removal:

Every sign pertaining to a particular use shall be deemed to be accessory to that use, and, if such use ceases, shall be removed not more than six (6) months thereafter, provided that:

11-1-3.1 Real estate "sold" signs shall be removed thirty (30) days after their placement on the property;

11-1-3.2 Temporary signs, such as official notices and those related to temporary uses such as a fair or carnival, shall be removed within ten (10) days after the last day of the event to which they pertain.

Signs hereafter erected on public lands contrary to the provisions of this ordinance are subject to immediate removal.

11-1-4 Sign illumination:

Unless otherwise expressly prohibited, signs may be illuminated, provided that illumination of any sign by other than direction lighting shall be shielded in such a manner so as to illuminate only the face of the sign.

11-1-5 Signs permitted without permits:

No permit shall be required for any of the following signs and the same may be displayed as free standing signs, unless otherwise noted, in any district.

11-1-5.1 Official notices or advertisements posted by any public or Court officer or any trustees under Deeds of Trust, or other similar instruments.

11-1-5.2 One (1) church, school or library bulletin board, or bulletin board for other public or semi-public buildings not exceeding twenty-four (24) square feet in area.

11-1-5.3 "No Trespassing" signs, not exceeding one and one-half (1½) square feet in area, which may be located at the periphery of the property.

11-1-5.4 Signs warning the public of the existence of a clear and present physical danger, posted at the location of the danger, but not containing any advertising material in addition thereto, of whatsoever size as may be necessary.

11-1-5.5 Informational or directional signs or historic markers, erected by a public agency or under authorization by a public agency, which shall not be restricted as to their location.

11-1-5.6 Any flag, badge, or insignia customarily displayed by any government or governmental agency or by any charitable, civic, fraternal, patriotic, religious or similar organization, and customary temporary lighting and displays as part of holiday decoration.

11-1-5.7 One "For Sale, Rent, or Lease" sign not exceeding a total area of three (3) square feet which may not be illuminated.

11-1-5.8 Directional signs, for the purpose of giving only directions and distances to public and quasi-public institutions, churches, community buildings, tourist houses and hotels located in A, R, and RA districts and unlighted directional real estate "For Rent" or "For Sale" signs, not exceeding one and one-half (1½) square feet in area, provided that said real estate directional signs are displayed only on Fridays, Saturdays, Sundays and legal holidays, and that not more than one sign for each real estate agency shall be displayed in any one street intersection, but not on utility poles or trees, nor on or adjacent to any other public lands, such as school sites, recreation fields, parks, parkways and median strips. Every said directional "For Rent" or "For Sale" sign posted on public rights-of-way shall contain the name of the real estate company or agency which caused the sign to be posted.
(Ord. of 6-12-1996)

11-1-5.9 One name plate identifying a single family dwelling, its occupant, or its location, or a home professional office (but not a home occupation) not exceeding one and one-half (1½) square feet in area.

11-1-5.10 Lettered window signs in "C" and "M" districts, not exceeding twenty percent (20%) of the area of the window.

11-1-5.11 One "Entrance" or "Exit" sign at each vehicular entrance to and exit from a parking lot, not to exceed six (6) square feet.

11-1-5.12 One sign not to exceed twenty-four (24) square feet in area and non-illuminated for farm identification.

11-1-6 Sign permits:

A sign permit shall be obtained from the zoning administrator before any sign or advertising structure is erected, displayed, replaced, or altered so as to change its overall dimension (except any sign listed 11-1-5). Every application for a sign permit shall be accompanied by plans showing the area of the sign, the size, character, and color of letters, and design proposed; and the method of illumination, if any; and the exact location proposed for the sign. Every sign for which a permit is issued shall have the permit number and the date of issuance affixed thereon in letters one inch high at the bottom right hand corner. A fee, in such amount as may be set, from time to time, by the Board of Supervisors, shall be paid for any sign permit.
(Ord. of 10-6-1981)

11-1-7 Signs permitted by sign permits:

11-1-7.1 One larger for sale sign advertising the prospective sale, rental, lease, or trade of land and buildings (including dwelling units therein) may be erected as a free standing sign not exceeding twelve (12) square feet in area.

11-1-7.2 One subdivision development sign not exceeding twenty (20) square feet in area and located therein adjacent to one street bounding said development; provided that no said sign shall be displayed for a longer period than one year after the first offering for sale of property in the subdivision to which said sign pertains.

11-1-7.3 Neighborhood signs giving the place name and established neighborhood or community, and direction to the location of features in said neighborhood or community, may be displayed in said neighborhood or community or at not more than one entrance thereto on each street bounding the same. No said sign shall exceed an overall height of six (6) feet nor have an area exceeding twenty (20) square feet. The overall area of the sign structure shall not exceed fifty (50) square feet.

11-1-7.4 One "Opening", "Going Out of Business" or similar sign advertising the opening of a new place of business or the change in management or ownership of an established place of business whether said sign is displayed from the exterior or interior of a building, not exceeding twenty (20) square feet in area. Any said sign shall be displayed for a period not exceeding thirty (30) days.

11-1-7.5 One building name sign may be displayed for buildings permitted in A, R, or RA districts, other than one-family dwellings, as follows: A sign area for residential buildings to be computed on the basis of one-quarter square foot per dwelling unit, with a maximum sign area for any permitted building of twenty-four (24) square feet, provided that no sign identifying a boarding house or a rooming house shall exceed three (3) square feet in area.
(Ord. of 6-12-1996)

11-1-7.6 Construction signs, including "for rent" or "lease" signs, for buildings other than one-and two-family dwellings not exceeding 32 square feet of sign area for each two hundred (200) feet of street frontage or part thereof. Said signs shall be of a temporary nature and no said sign shall be displayed following one year after the issuance of any occupancy permit for buildings on the premises.

11-1-7.7 Other signs specifically authorized herein or regulated by the governing body as a part of any required use permit.

11-1-7.8 Real estate directional signs, and unlighted directional real estate "For Rent" or "Sale" signs, not exceeding one and one-half (1½) square feet in area, not limited as to the day of the week displayed, provided that not more than one sign for each real estate agency shall be displayed in any one street intersection, but not on utility poles or trees, [and] not on or adjacent to any other public lands, such as school sites, recreation fields, parks, parkways and median strips. Every said directional "For Rent" or "Sale" sign posted shall not be placed in such a fashion as to constitute a "vision obstruction" at street intersections.

11-1-7.9 Signs identifying permitted produce or wayside stands from each direction may be placed to identify wayside stands. Such signs must be placed at least five hundred (500) feet, but no more than two thousand five hundred (2,500) feet, from the entrance to the wayside stand. Such signs may not be lighted and may not be placed in R Districts. Additionally, the signs must designate whether the stand is open or closed; or they must be hinged or designed in such a way that they can be closed, covered or removed so that a message is displayed only during operating hours of the wayside stand. Such signs may require a permit from the Virginia Department of Transportation and must be located outside of the VDOT right-of-way.
(Ord. of 11-3-1993)

Editor's note—Amendment of 11-3-1993 added Subsection 11-1-7.9 to allow for limited off-site signs advertising produce stands.

11-2. Prohibited signs.

The following types of signs are prohibited:

11-2-1 Moving signs or devices:

Any moving sign or device to attract attention whether or not any said device has written message content, of which all or any part moves by any means, including fluttering, rotation or otherwise moving devices, or set in motion by movement of the atmosphere (including but not limited to pennants, flag, propellers, discs, etc); provided, however, that moving signs associated with the opening of new or different business may be permitted for a period not exceeding fifteen (15) days; a sign permit shall be required for any said sign.

11-2-2 Flashing signs or devices:

Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating on not less than a five (5) second cycle.

11-2-3 Signs on public land:

Any sign on public land, other than those erected at the direction of a public authority and those otherwise authorized herein, any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

11-2-4 Illuminated tubing or strings of lights:

Any illuminated tubing or strings of lights outlining property lines or open sales areas, roof lines, doors, windows, or wall edges of any buildings, provided that perimeter shielded down lighting may be used to illuminate open sales areas.

11-2-5 "Stop" or "Danger" signs:

Any sign that uses the word "Stop" or "Danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with, any sign displayed or authorized by public authority.

11-2-6 Obstructive signs:

Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.

11-2-7 Non-shielded illumination:

Any non-shielded illumination of a sign within two hundred (200) feet of an A, R, or RA District.
(Ord. of 6-12-1996)

11-2-8 Portable signs:

Any portable sign, including any sign displayed on a vehicle when used primarily for the purpose of such display.

11-2-9 Signs in violation of Virginia law:

Any sign that violates any provision of any law of the Commonwealth of Virginia relating to outdoor advertising.

11-2-10 Others:

Any other sign not expressly permitted by this Ordinance.

11-3. Signs in all Commercial and Industrial Districts.

The limitations as to number and area of signs in Commercial and Industrial districts shall apply separately to separate establishments, with the area of signs computed on the basis of the actual width of building frontage occupied by the particular establishment. Commercial signs identifying products or services available on the premises or advertising a use conducted thereon may be displayed in Commercial and Industrial districts under the conditions and to a maximum aggregate area of all signs as follows:

11-3-1 Sign area:

The maximum aggregate area of all signs shall be three (3) square feet for each foot of width of the front wall of the building.

11-3-2 Secondary entrance signs:

In addition, one sign, not exceeding six (6) square feet in area, may be erected to identify secondary entrances to a building from a pedestrian way, from an alley, or from an automobile parking space.

11-3-3 Unified shopping center:

In addition, in a unified shopping center in single ownership or control, where business establishments have common walls, one place name sign for each establishment, not exceeding a sign area of three (3) square feet per sign may be suspended from a common canopy ceiling, and one shopping center name sign may be displayed not exceeding a maximum area of one-quarter square foot for each foot of common building width.

11-3-4 Automobile service stations:

In addition, an automobile service station may display signs on a group of pumps not exceeding an aggregate area of twelve (12) square feet for each pump island; cloth or paper signs relating to price may be displayed without permit. Authorized establishments may display not more than one sign not exceeding nine (9) square feet in area per face indicating state inspection service.

11-3-5 Maximum area where use of lot is use of land:

The maximum aggregate area of all signs on any lot, the use of which consists primarily of the use of land, shall be two (2) square feet for each foot of frontage of the lot with a maximum of fifty (50) square feet conforming to the following free standing sign regulations.

11-3-6 Free-standing signs:

One free standing sign not exceeding fifty (50) square feet may be located on a lot with a front of one hundred (100) feet or more, not to exceed two (2) display faces, with the interior angle between them not exceeding forty-five (45) degrees. In the case of a corner or a through lot with a minimum frontage of twenty-five (25) feet, a free standing sign may be erected for each street frontage, the area of which shall not exceed fifty (50) square feet. The total sign area of such free standing sign or signs shall be included in the maximum area of sign display permitted on the lot. No more than seventy-five percent (75%) of the maximum sign area allowed shall be used for free standing signs.

11-3-7 Side-or rear-wall signs:

On that side or rear wall of commercial buildings which abuts a public street or parking lot. For buildings located on corner lots or lots abutting streets at both the front and rear, or for buildings served by an abutting parking lot of not less than sixty (60) feet in width located to the side or rear of the main buildings:

11-3-7.1 On side walls in all Commercial and Industrial districts, the maximum aggregate area of all signs, including signs which may be "projecting" signs (as permitted and regulated under Subsection 11-3-1) shall be one-half (½) of the maximum aggregate area of signs permitted on the front wall of that building.

11-3-7.2 On rear walls in Business and Industrial districts, one sign for each establishment as follows:

a. If said sign is within one hundred (100) feet or across a street from an A, R, or RA District, the area of each sign shall not exceed one-half (½)

square foot for each foot of width of said wall.
(Ord. of 6-12-1996)

b. If situated other than as specified in the preceding paragraph, the area of each sign shall not exceed one square foot for each foot of width of said wall.

11-4. Signs in industrial districts.

11-4-1 Outdoor advertising signs, billboards and poster panels as separate uses:

11-4-1.1 Maximum area of any one sign structure: Not to exceed three hundred (300) square feet on each sign face; said sign structures may be single or double faced.

11-4-1.2 Maximum length of any sign structure: not to exceed thirty (30) feet.

11-4-1.3 Maximum height: Fifteen (15) feet measured from the nearest street grade line. There shall be no required minimum height.

11-4-1.4 Minimum distance from lot lines: No part of any structure shall be located nearer than a distance of two hundred (200) feet from:

a. Any lot line of any lot in any A, R, or RA District.
(Ord. of 6-12-1996)

b. Any right-of-way line of any street having a right-of-way width of one hundred (100) feet or more.

11-4-1.5 There may be no more than 150 square feet of sign structure on each one hundred (100) feet of lot front with one additional 150 square feet of sign structure allowed for each additional one hundred (100) feet of lot.

11-5. Sign replacement, renovation and repair.

No sign heretofore approved and erected shall be repaired, altered or moved, nor shall any sign, or part thereof, be reerected, reconstructed, rebuilt or relocated unless it is made to comply with all applicable requirements of this section. This section shall not be construed to prevent the repair or restoration to a safe condition of any part of an existing sign when damaged by storm or other accident. This section shall not be construed to prevent the replacement, renovation or repair (but not the relocation) of a sign of the same size depicting the same use of the premises that existed immediately prior to the replacement, renovation or repair.

ARTICLE 12. NONCONFORMING BUILDINGS AND USES

12-1. Nonconforming buildings.

12-1-1 Maintenance permitted:

A nonconforming building or structure may be maintained, except as otherwise provided in this Article.

12-1-2 Repairs; alterations:

Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alteration shall be made, except those required by law or ordinance.

12-1-3 Additions; enlargement; moving:

12-1-3.1 A nonconforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargement, is made to conform to all the regulations of the district in which it is located.

12-1-3.2 A building or structure which does not comply with the height or area regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the district in which it is located, provided that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty percent (50%) of the floor area contained in said building or structure, at the time this ordinance became effective.

12-1-3.3 A building or structure lacking sufficient automobile parking space in connection therewith, as required in Article 10, may be altered or enlarged, provided that additional automobile parking space is supplied to meet the requirements of Article 10.

12-1-3.4 No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.

12-1-3.5 Legal non-conforming (grandfathered) mobile homes may be replaced provided that all of the following provisions are met:

a. The replacement home must be equal or smaller in size than the existing home. The zoning administrator may waive this requirement upon making a written finding that a slightly larger home could be accommodated on the site and would not be detrimental to neighboring properties.

b. The replacement home must be newer than the existing home and in all cases must have been manufactured later than October 29, 1984.

c. The replacement home must be in the exact location of the existing home, unless the zoning administrator finds that relocation would result in further conformance with current setback and yard regulations. In all cases, the replacement home must be located on the same lot as the existing home which must be removed.

d. The replacement home shall be subject to the requirements of Article 28-2-1.1 and 28-2-2.2.

e. A building permit must be obtained prior to removal of the existing home and placement of the new home.
(Ord. of 10-4-1994)

Editor's note—The amendment of 10-4-1994 added Sec. 12-1-3.5.

12-1-4 Restoration of damaged buildings:

A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, to the extent of not more than seventy-five percent (75%) of its value, exclusive of foundations at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed, provided that the total cost of such restoration does not exceed seventy-five percent (75%) of the value,

exclusive of foundations of the building or structure at the time of such damage, and that such restoration is started within a period of one year and completed within two (2) years. In the event that such damage or destruction exceeds seventy-five percent (75%) of the value, exclusive of foundations of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located, with the following exception: Single-family dwellings so damaged may be replaced in kind, with no increase in size of any kind if replaced within the above time frame. In no case shall any structure, including single-family dwellings, be reconstructed in violation of the provisions of Article 8A of this Chapter.

12-1-5 One-year vacancy:

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.

12-1-6 Permits:

All nonconforming uses shall obtain a certificate of occupancy within ninety (90) days after the adoption of this Article. Such certificate shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this Article may proceed, provided that such building is completed and use established therein within one year or such use of land established within thirty (30) days after the effective date of this Article.

(Ord. of 8-6-1991)

12-2. Nonconforming use of buildings.

12-2-1 Continuation and change of use:

Except as otherwise provided in this Article:

12-2-1.1 The nonconforming use of a building or structure, existing at the time this Chapter became effective, may be continued;

12-2-1.2 The use of a nonconforming building or structure may be changed to a use of the same or more restricted classification, but where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of a less restricted classification; and

12-2-1.3 A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the effective date of this Chapter, and the use of a nonconforming building or structure which becomes vacant after the effective date of this Article may also be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the building becomes vacant.

12-2-2 Expansion prohibited:

A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed, except to a conforming use. If such a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

12-3. Nonconforming use of land.

12-3-1 Continuation of use:

The nonconforming use of land, existing at the time this ordinance became effective, may be continued, provided:

12-3-1.1 That no such nonconforming use of land shall be expanded or extended further on to either the same or adjoining property.

12-3-1.2 That if such non-conforming use of land or any portion thereof is discontin-

ued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

12-3-1.3 That any sign, billboard, commercial advertising structure or statuary, which is lawfully existing and maintained at the time this ordinance became effective, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto.

12-3-1.4 Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance shall be allowed up to two (2) years after adoption of this ordinance in which to completely screen all portions of the operation reserved for the storage, whether temporary or permanent, of inoperable motor vehicles or portions thereof, on any side open to view from a public road, by use of buildings, a masonry wall, a uniformly painted solid board fence or evergreen hedge, or equally effective device seven (7) feet in height.

Before any allowable proposed improvement which requires a building permit can be made to an automobile graveyard or junkyard in existence at the time of the adoption of this ordinance, a site plan which meets all standards outlined in Article 20 of the Zoning Ordinance must be approved. All setback requirements and other bulk regulations of the zoning district in which it is located shall be applicable.

(Ord. of 12-1-1992)

Editor's note—Amendment of 12-1-1992 (1) § 12-3-1 deletes words "where no main building is involved"; (2) § 12-3-1.1 deletes "in any way" and adds "further on to" after "extended"; (3) § 12-3-1.4 adds "all portions of the operation reserved for the storage, either temporary or permanent, of inoperable vehicles or portions thereof" after "screen", deletes "in operation" after "road", and adds "or equally effective screening device" after "evergreen hedge". Also, an additional paragraph was added to § 12-3-1.4, which allows construction of additional buildings at automobile graveyards and junkyards and requires a site plan for such improvements.

12-4. Non-conforming due to reclassification.

The foregoing provisions of this Article shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassification of districts under this ordinance or any subsequent change in the regulations of this ordinance.

ARTICLE 13. ADMINISTRATION

13-1. Zoning Administrator generally.

This ordinance shall be enforced by the zoning administrator. No building or other structure shall be erected, reconstructed, enlarged, moved or structurally altered without an appropriate permit therefor, and no structure shall be used, and the use of any land or building shall not be changed, without a certificate of occupancy therefor approved or issued by the zoning administrator. The zoning administrator shall in no case approve or grant a permit or certificate of occupancy for the construction, alteration, use or change of use of any building or land if the building or land as proposed to be constructed, altered or used would be in violation of this ordinance.

Cross references—Zoning administrator to serve as clerk to Planning Commission, § 2-20; zoning administrator to enforce erosion and sediment control ordinance, § 8-4.

13-2. Notice of violations.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any other action authorized by law to insure compliance with, or to prevent violation of, its provisions.

ARTICLE 14. INTERPRETATION

14-1. District boundaries.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning map, the following rules shall apply:

14-1-1 Boundaries following center lines:

Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, railroad main tracks, such center line, or lines at right angles to such center lines, shall be construed to be such boundaries as the case may be.

14-1-2 Boundaries following bodies of water:

Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

14-1-3 Other boundary determinants:

If no distance, angle, curvature description of other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the zoning administrator by using the scale shown on said zoning map. In case of subsequent disputes, the matter shall be referred to the Board of zoning appeals which shall determine the boundary.

14-2. Permitting other uses.

Other uses of the same general character as those cited in a particular classification may be permitted in the mapped districts of that classification by the zoning administrator. Any use so determined shall be regarded as a listed use and a log of all said determinations shall be maintained as a part of the public records of the zoning administrator. In no instance, however, shall a use be permitted in a district when said use is first permitted in less restrictive classifications.

ARTICLE 15. BUILDING PERMITS

15-1. Required.

No excavation shall be commenced; no wall, structure, premises or land shall be used; no wall, building or structure or part thereof shall be built, constructed or altered; nor shall any building be moved; nor shall any regulated sign be erected, repaired or repainted until application has been made and the proper approval or permit has been obtained from the zoning administrator.

15-2. Application.

All applications for building permits shall be accompanied by the appropriate fee as prescribed by separate action of the Board of Supervisors (see § 2-2 of this Code) and accurate plot plans in triplicate drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the structures and accessory structures then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each structure or part thereof, the number of dwelling or housing units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

Editor's note—The words "shown on the next page" were removed and "as prescribed by the Board of Supervisors (see § 2-2 of this Code)" inserted; no change in substance made.

15-3. Not to issue in certain cases.

No permit shall be issued for the erection of any permanent structure intended for residential, commercial or industrial use, nor shall any such structure be erected on land in such proximity and relative elevation to an open stream or drainage channel when the surface of such land is subject to periodic or recurring flooding from storm water, or subject to the danger of erosion of the land underlying such structure. This provision shall not apply to the erection of fences or similar appurtenances. Nothing herein provided shall be so construed as to prohibit the owner of such land from lawfully filling, draining or otherwise improving the land.

15-4. Topographic survey may be required.

In order to determine whether or not a permit should be issued under this Article, the zoning administrator in appropriate cases may require that the application for a building permit be accompanied by a topographic survey of the lot showing existing and proposed grades.

ARTICLE 16. CERTIFICATES OF OCCUPANCY

16-1. Required; issuance; contents; fee.

Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law and of all County ordinances and regulations. No occupancy, or change of occupancy, use or change of use of any land or building shall take place until a certificate of occupancy shall have been issued by the zoning administrator. This provision shall include a new building, an existing building which has been altered, the use of vacant land, a change in the use of land or of a building or change in a nonconforming use. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the zoning administrator, provided that it has been determined that such occupancy, use, erection or alteration of such building or land or part thereof has been completed in conformity with the provisions of this ordinance. The fee for such certificate of occupancy shall be as set, from time to time, by the Board of Supervisors and shall be payable to the Treasurer.
(Ord. of 10-6-1981)

ARTICLE 17. USE PERMITS

17-1. Authority to issue.

17-1-1 Basis for issuance: Use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this ordinance, provided that the governing body, upon a recommendation by the Planning Commission, shall find that after a duly advertised hearing, the use will not:

17-1-1.1 Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.

17-1-1.2 Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

17-1-1.3 Be in conflict with the purposes of the Comprehensive Plan of the County of Culpeper.

17-1-2 Use permit conditions: In granting any use permit, the governing body shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

[17-1-2.1.] Reserved.
(Ord. of 2-3-1998)

Editor's note—Amendment of 2-3-1998 deleted section [17-1-2.1] *Conditions for land application of sludge* in its entirety. Section 17-5 *Regulation of Infrequent Land Application of Biosolids* was adopted in its place.

17-2. Application.

Every application for a use permit shall be accompanied by a fee in such amount as is set, from time to time, by the Board of Supervisors. The application shall be filed in writing with the zoning administrator at least thirty (30) days prior to review by the Planning Commission, and no more than ninety (90) days prior to the public hearing before the governing body, unless a recommendation is made by the Planning Commission.
(Ords. of 10-6-1981; 3-3-1987)

17-2.1. Repealed.
(Ords. of 12-12-1989, 8-3-1999)

Editor's note—Section 17-2.1 was repealed in its entirety by the ordinance of 8-3-1999, since the language of this section is substantially repeated in section 17-5, making this section redundant.

17-3. Time limit on construction or operation; renewal of special use permits.

Construction or operation shall be commenced within one year of date of issuance or three (3) years for package sewer treatment plants (see Chapter 14, section 14-25, Culpeper County Code). Otherwise, the use permit becomes void unless otherwise extended in accordance with the provisions hereof.
(Ord. of 5-6-1997)

Editor's note—Ordinance of 5-6-1997 amended this section to allow up to three (3) years to commence construction or operation of a package sewer treatment plant, consistent with section 14-25 of this Zoning Ordinance. The one year limitation remains in effect for all other use permits.

17-3-1 Application to Board of Supervisors: Within one year of the issuance of the original special use permit, or within one year of the anniversary of the extension date of any special use permit extended in accordance with the provisions hereof, the applicant may apply to the Board of Supervisors for an extension of the special use permit and any related site plan.

17-3-2 Causes for granting extensions: The Board may grant one year extensions of a special use permit and any related site plan upon receipt of an application as set forth above, if the Board finds that construction or operation did not commence because of a delay occasioned by the approval required of any state or federal agency or delay attributable to the issuance of any plan or permit required by any state or federal agency.

17-3-3 Effective date: The provisions of this section shall apply to any special use permit and related site plan validly in effect on or after January 1, 1995. As to any special use permit and related site plan validly in effect on January 1, 1995, the applicant may apply for renewal on or before December 31, 1995, notwithstanding the provisions of Subsection 17-3-1.
(Ord. of 1-3-1995)

Editor's note—Amendment of 10-3-1995 added the provisions relating to the renewal of special use permits and their related site plans, Subsections 17-3-1, 17-3-2 and 17-3-3.

17-4. Limitation on consideration of application.

No application for a use permit for the same lot shall be considered by the governing body within

a period of one year from its last consideration. This provision, however, shall not impair the right of the governing body to propose a use permit on its own motion.

17-5. Reserved.

Editor's note—An ordinance adopted Nov. 5, 2003 deleted § 17-5 which pertained to regulations of infrequent land application of biosolids and derived from Ord. of Feb. 3, 1998; and Ord. of Aug. 3, 1999.

17-6. Standards for Telecommunication Antennas and Towers.

17-6-1 Definitions: The following definitions shall apply in this section 17-6.

17-6-1.1 Alternative Tower Structure shall mean man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

17-6-1.2 Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

17-6-1.3 FAA shall mean the Federal Aviation Administration.

17-6-1.4 FCC shall mean the Federal Communications Commission.

17-6-1.5 Height, when referring to a tower or other structure, shall mean the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

17-6-1.6 Tower shall mean any structure used for the purpose of supporting one or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.

17-6-2 Purposes, Goals and Application:

17-6-2.1 Purpose and goals. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (1) encourage the location of towers in non-residential areas and minimize the total number of towers and tower sites throughout the community; (2) encourage strongly the joint use of new and existing tower sites; (3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (4) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and (5) to provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the County. This ordinance is intended to comply with all federal and state regulations.

17-6-2.2 General Applicability; Special Use Permit Required. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, the maximum height in the Zoning District in which they are to be located. A special use permit shall be required for such towers and antennas. No variance for such uses shall be required or will be appropriate.

17-6-2.3 Amateur Radio and Receive-Only Antennas. This section 17-6 shall not govern any tower, or the installation of any antenna, that is (1) less than the maximum height allowable in the Zoning District in which it is located and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive only antennas. In addition, notwithstanding anything herein to the contrary, this section 17-6 shall not be construed or enforced to restrict amateur radio antenna height to less than two hundred (200) feet above ground level as

permitted by the FCC, or to restrict the number of amateur radio antenna support structures.

17-6-2.4 Existing Structures and Towers. The placement of an antenna on an existing structure such as a building, sign, light pole, silo, water tank, or other freestanding non-residential structure or existing tower constructed before February 2, 1999, or which has been previously approved by the County shall be permitted provided the addition of the antenna shall not add more than twenty (20) feet in height to the structure or tower and provided, however, that such permitted use may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use and further provided that such permitted increase in height does not result in a change in the lighting status.
(Ord. of 3-6-2001)

17-6-3 Use Regulations, General Guidelines and Requirements:

17-6-3.1 Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses when considering area requirements on a given lot or parcel of land. A different existing use or an existing structure on the same lot or parcel shall not preclude the installation of an antenna or towers on such lot or parcel. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with provisions of this section 17-6 shall not be deemed to constitute the expansion of a nonconforming use or structure.

17-6-3.2 Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Culpeper County Planning and Zoning Department an inventory of the existing facilities owned, operated or under the effective control of the applicant, the applicant's parent company or any of its affiliates that are either within Culpeper County or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower. The planning and zoning department may share such information with other applicants applying for approvals or special use permits under this ordinance or with other organizations seeking to locate antennas within Culpeper County, provided, however that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

17-6-3.3 Design, Aesthetics and Lighting. The guidelines set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the Board of Supervisors may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, nonreflective color with no logos.

b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a

neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted, unless required by the FAA, the Board of Supervisors, or other applicable authority. If lighting is required, the lighting shall be designed in a manner which would cause the least disturbance to the surrounding views, and comply with FAA guidelines.

e. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.

f. Towers shall be designed to collapse within the lot lines or parcel boundaries in case of structural failure.

g. Towers shall be located a minimum of one mile from any designated Virginia Scenic Byway. This provision shall not apply to Emergency Communication Towers.

(Ords. of 10-3-2000; 2-6-2001(4))

Editor's note—The ordinance of 10-3-2000 deleted former Subsection f, and added a new Subsection g.

17-6-3.4 Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for revocation of the use permit and the removal of the tower or antenna at the owner's expense.

17-6-3.5 Building Codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

17-6-3.6 Information Required. Each applicant requesting a special use permit under this section 17-6 shall submit the following information and documentation.

a. A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission or the Board of Supervisors to be necessary to assess compliance with this ordinance. Additionally, applicant shall provide actual photographs of the site from relevant views designated by the County that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground and the background of the site.

b. An engineering report, including a structural analysis stating the load bearing capability of the tower must be submitted by the applicant. In addition for all towers in PCTDA locations, such report shall certify that the proposed tower is compatible for co-location with a minimum of six (6) similar users including the primary user, must be submitted by the applicant.

(Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added the second clause to the first sentence, the first clause to the second sentence and increased the minimum number of co-location users required.

c. The applicant shall provide copies of their co-location policy.

d. The applicant shall provide copies of propagation maps demonstrating that proposed antenna locations, including possible co-locator antenna locations, are no higher in elevation than necessary to provide the desired coverage.

e. The applicant shall provide a copy of Form 7460-1 which must be filed with the FAA. The applicant must also provide proof of FAA approval and an indication of the lighting requirements imposed by the FAA.
(Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added Subsection e to this section.

17-6-3.7 Factors Considered in Granting Special Use Permits for New Towers or Poles. The Board of Supervisors shall consider the following factors in determining whether to issue a special use permit, although the Board of Supervisors may waive or reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this ordinance are better served thereby.

a. Height of the proposed tower or pole;

b. Proximity of the tower or pole to residential structures and residential district boundaries;

c. Nature of the uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress;

h. Co-location policy;

i. Language of the lease agreement, particularly any language dealing with co-location;

j. Consistency with the comprehensive plan and the purposes to be served by zoning;

k. Availability of suitable existing towers and other structures as discussed below; and

l. Proximity to commercial or private airports.

m. Compliance with the goals, objectives and policies set forth in Chapter VI.B of the Culpeper County Comprehensive Plan for Commercial Wireless Technology Facilities.
(Ord. of 10-3-2000)

Editor's note—The ordinance of 10-3-2000 added subsection in to this section.

17-6-3.8 Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant clearly demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure or an alteration, extension or adaptation thereof can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure or an extension thereof can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements, and cannot be extended, altered or adapted to meet such requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment, and cannot be altered, adapted or reinforced to provide sufficient structural strength.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna, and further that an extension, adaptation or alteration of the existing towers or structures would not eliminate or reduce such interference within acceptable limits.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to extend, adapt or alter an existing tower or structure for sharing are unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

17-6-3.9 Setbacks. The following setback requirements shall apply to all telecommunications facilities and antennas for which a special use permit is required; provided, however, that the Board of Supervisors may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

a. Towers must be set back a distance equal to two hundred percent (200%) of the height of the tower from any off-site residential structure and in no case less than four hundred (400) feet.

b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

17-6-3.10 Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Supervisors may waive such requirements, as it deems appropriate.

17-6-3.11 Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, however, the Board of Supervisors may waive such requirements if the goals of this ordinance would be better served thereby.

a. Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

b. In locations in which the Board of Supervisors finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Board of Supervisors may determine that the natural growth around the property perimeter may be sufficient buffer.

d. Existing trees within one hundred (100) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicles or placement of support structures and equipment. Such tree preservation must be assured by including the affected area within the property to be controlled by the owner of the tower.

(Ords. of 10-3-2000; 3-6-2001)

Editor's note—The ordinance of 10-3-2000 lowered the tree preservation area to one hundred (100) feet from two hundred (200) feet and added the last sentence of this subsection.

17-6-3.12 Local Government Access. Owners of towers shall provide the County co-location opportunities as a community benefit to improve radio communication

for County departments and emergency services provided it does not conflict with the colocation requirement of Subsection 17-6-3.6(b). At least one space shall be available for County use on all towers at the time of use permit approval, and in no event shall that space be occupied by another user without providing the County at least sixty (60) days written notice and an opportunity for the County to lease the space at that time.

17-6-3.13 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the County notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with then-current property owner's approval, provided they remain screened as provided above. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed as required herein, the County may require the property owner to have it removed.

17-6-3.14 Required Yearly Report. The owner of each such antenna or tower shall submit a report to the Culpeper County Planning and Zoning Department once every two (2) years, between June 1 and July 1. Updates of these reports shall be provided at the request of the County at any time, within fifteen (15) days of such a request. The report shall state the current user status of the tower, including an inventory of any leased spaces or antennas on the tower, the details of any such leased spaces or antennas, the owner(s) of any such lease or antennas, and current contact information on such owner(s). The report shall further certify compliance with all then-applicable federal, state and local laws, regulations, codes and ordinances. Immediate notification shall be given any time that all spaces on the tower are no longer leased.

17-6-3.15 Review Fees. All tower applications shall be referred to a professional engineer for technical review. The fees for such a review shall be paid by the applicant up front, at the time of application. This fee will be in addition to the use permit application fee. The technical review shall be considered by the Planning Commission and the Board of Supervisors in addition to their consideration of land use and other issues. A favorable review does not insure that an application is appropriate.

(Ord. of 10-3-2000)

Editor's note—Amendment of 10-3-2000 completely rewrote this section 17-6-3.15. Amendment of 2-2-1999 added a new section 17-6 to the Zoning Ordinance to establish and set forth standards for telecommunications antennas and towers.

ARTICLE 18. BOARD OF ZONING APPEALS; VARIANCES AND APPEALS

18-1. Board generally.

There shall be created a joint board of zoning appeals, upon the lawful enactment of ordinances by the Board of Supervisors for Culpeper County, Virginia, and the Town of Culpeper, which shall consist of five (5) residents of the County or municipality, consisting of two (2) members from the County of Culpeper, two (2) members from the Town of Culpeper, plus one member from the area at large, to be appointed by the Judge of the Circuit Court for Culpeper County, Virginia. The term of office of each member shall be five (5) years, except that of the two (2) members first appointed from each jurisdiction, the term of one shall be for two (2) years and of the other, four (4) years. Vacancies shall be filled for the unexpired terms. The Secretary of the Board shall notify the Court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the Board shall hold no other public office in the County or municipality, except that one may be a member of the local Planning or Zoning Commission. A member whose term expires shall continue to serve until his successor is appointed and qualified. The Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the County or municipality and general laws of the Commonwealth. The Board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing bodies at least once each year. Within the limits of funds appropriated by the governing bodies, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive such compensation as may be authorized by the respective governing bodies. Any Board member may be removed for malfeasance. misfeasance or nonfeasance in office, or for other just cause, by the Court which appointed him, after hearing held after at least fifteen (15) days notice. The Board shall be governed by these provisions and any provisions set forth in § 15.2-2308 of the Code of Virginia, as amended.

18-2. Fees.

Every appeal from a determination of the zoning administrator and every application for a variance shall be accompanied by a fee in such amount as is set, from time to time, by the Board of Supervisors.
(Ord. of 10-6-1981)

18-3. Expiration of variance.

If any variance granted by the Board of zoning appeals is not acted upon and put into effect within one year after the date of such grant, then the variance shall be null and void and of no force and effect.

18-4. Lake Pelham-Mountain Run Lake Watershed.

18-4-1 Requests for hardship, variance or relief: Any request for hardship, variance or relief of administrative determination in the WMD must acknowledge the existence of the watershed, the study identifying its sensitive characteristics and Article 8C of this Zoning Ordinance which establishes the regulations for management of watershed resources. A grant of hardship or relief shall not be made without assessing the public benefits and prospective watershed impacts of the request and determining that, in fact the public interest would not be compromised.

18-4-2 Method of development: In addition, wherever practical, the style or method of development in the WMD shall be required to represent the best water quality results obtainable. Therefore, variances and appeals should reflect this intent and not result in a development approach that will deteriorate water quality or compromise watershed resources in relation to either pre-development or prevariance standards.
(Ord. of 3-3-1992)

18-5. Administrative variance approval.

In accordance with § 15.2-2286(4) of the Code of Virginia, the Zoning Administrator shall have authority to grant certain variances administratively. Requests which may be approved by the Zoning Administrator and not subject to consideration by the Board of Zoning Appeals shall be limited to setback variances in which the normal setback requirement is reduced by no more than ten (10) percent. In addition, one (1) of the following criteria must be met in order to qualify a variance application for administrative approval:

(1) The request must involve an addition to an existing, legal non-conforming structure; or

(2) The request must involve an existing structure, which must not be the subject of a current building permit or of a lapsed building permit under which final inspection approval has not been received.

(Ord. of 1-7-2003)

ARTICLE 19. SUBSTANDARD SUBDIVISIONS*

19-1. Generally.

19-1-1 Regulations: The regulations set out in this Article shall apply to the resubdivision of any subdivision defined as a substandard subdivision by the Subdivision Ordinance, provided that such resubdivision of such substandard subdivision complies with all provisions of the Subdivision Ordinance of the County of Culpeper.

19-1-2 Applicability of provisions: All other provisions applicable to the zoning district in which the property to be resubdivided hereunder lies, not specifically modified by this Article, shall continue to apply.

19-2. Lot area requirements.

No structure shall be erected or placed on a lot or building site in the development of a resubdivision of a substandard subdivision unless such lot or building site complies with the following:

19-2-1 Average lot area: The average area of the lots in such a resubdivision shall be not less than the average area of the lots in the subdivision heretofore lawfully dedicated and recorded, plus one-half (½) the difference between that average and the average area required for a lot in the zoning district in which the subdivision lies.

19-2-2 Minimum lot area: The minimum lot area in such subdivision shall be not less than ten percent (10%) smaller than the above-described average lot area, except that no lot shall in any case contain an area of less than eight thousand five hundred (8,500) square feet or such greater minimum area as may be required by the County health department.

19-2-3 Minimum lot width: The minimum width of any lot shall be not less than the lot width required in the next less restrictive residential zone in which such subdivision lies. In no case shall any interior lot have a width of less than eighty-five (85) feet, nor shall any corner lot have either a width or a depth of less than ninety (90) feet. All such widths or depths shall be measured at the setback line.

19-3. Special conditions.

Whenever any subdivision developed as a resubdivision of a substandard subdivision may contain within the boundaries of a subdivision lawfully recorded prior hereto and within the area to be resubdivided one or more undivided parcels of land, as indicated by the general intent of the plat of subdivision as to lot sizes, the total number of lots permitted in the resubdivision of the substandard subdivision shall not exceed the total number of lots in the original subdivision being resubdivided, plus the total number of lots which the existing restrictions applicable to the zoning district in which the land lies would permit in such undivided parcels; provided, that such number of lots within such parcels shall not exceed the number of lots which could have been subdivided within the parcel under the requirements of the next less restrictive residential zone district.

19-4. Building setback line.

The building setback line in resubdivisions of subdivisions developed as substandard subdivisions shall be the same as the building setback line requirements in the zoning district in which the property lies.

19-5. Yards.

19-5-1 Side yards: There shall be on each side of every building a side yard not less than that required in the next less restrictive residential zoning district in which the property lies. In no case, however, shall any side yard be less than ten (10) feet in width.

19-5-2 Rear yards: No part of a building shall be erected within twenty-five (25) feet of the rear lot lines.

*Subdivision Ordinance, App. B.

ARTICLE 20. SITE PLANS

20-1. Purpose.

The purpose of this Article shall be:

a. To assure compliance with the applicable requirements of this ordinance.

b. To state the specific additional requirements applicable to the development of land in certain zoning districts.

c. To prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of required improvements.

d. To specify the types of development of land use for which submission of a site plan shall be required.

e. To define and establish the responsibilities of the departments, divisions and other agencies of the County government for site plan processing, review and approval.

f. To designate the approving and reviewing authorities for the County on site plans and permits relative thereto.

g. To establish the schedule of fees for site plans.

h. To provide a system to insure compliance with approved site plans.

i. To define violations and penalties.

j. To provide a system of notifying adjoining owners of site plan submission.

(Ord. of 8-6-1974)

20-2. Development or Land Use Requiring Site Plan.

A site plan is required and shall be submitted for:

20-2-1 Multi-use parking spaces:

Any development in which any automobile parking space is to be used by more than one establishment.

20-2-2 Commercial or industrial development:

Any use or development in a commercial (Articles 6.1A, B, C, D, E of Appendix A or Articles 6, 6A of Appendix C of the County Code) or industrial (Articles A.1, 7B.1 of Appendix A or Articles 7, 8 of Appendix C of the County Code) district or any exterior addition or change in any existing residential use or development to commercial or industrial use in the above mentioned districts for the area involved.
(Ord. of 7-1-1997)

Editor's note—Ordinances of 7-1-1997 amended this section to clarify the zoning districts affected by this section.

20-2-3 Religious establishments:

Churches, schools, convents and monasteries.

20-2-4 Special use permit uses:

All uses for which a special use permit is required, with the following exceptions:

a. tenant units.

b. mobile or manufactured homes permitted under Article 28.

c. package sewage treatment systems for individual residences.

d. bed and breakfasts in existing dwellings.
(Ord. of 8-6-1974; 7-1-1997)

Editor's note—Ordinance of 7-1-1997 amended this section to add exceptions to the general requirement that all special use permit uses require a site plan.

20-3. Required Information.

20-3-1 Information to be contained in site plan:

Every site plan, as hereinafter provided, submitted in accordance with this Article shall contain the following information:

20-3-1.1 Location of tract by an insert map at a scale of not less than one (1) inch equals two thousand (2,000) feet, indicating scaled coordinates referred to in U.S.C. & G.S. state grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

20-3-1.2 A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary evidence. The survey may be related to U.S.C. & G.S. state grid north if the coordinates of two (2) adjacent corners are shown provided that such information may be provided from recorded plats in case of lots in subdivisions recorded subsequent to the first of May, 1963.

20-3-1.3 Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

20-3-1.4 All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; water courses and their names; owners, zoning and present use of adjoining tracts.

20-3-1.5 Location, type and size of vehicular entrance to the area.

20-3-1.6 Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this ordinance.

20-3-1.7 All off-street parking, loading spaces and walkways; indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article 10.

20-3-1.8 Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, the number, size and type of dwelling units.

20-3-1.9 All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or other utility system.

20-3-1.10 Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and grades of ditches, catch basins and pipes and connections to existing drainage system.

20-3-1.11 Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two percent (2%), either one foot contours or spot elevations where necessary but not more than fifty (50) feet apart in both directions.

20-3-1.12 Proposed finished grading by contours supplemented where necessary by spot elevations.

20-3-1.13 All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

20-3-1.14 All setback requirements, including front, side and rear yards, and buffer requirements imposed under Section 705 of the Subdivision Ordinance (Appendix B.)

(Ords. of 8-6-1974, 1-3-1995)

Editor's note—The amendment of 1-3-1995 added subparagraph 20-3-1.14.

20-4. Procedure for Preparation.

20-4-1 Plans to be prepared by authorized persons:

Site plans or any portion thereof, involving engineering or land surveying, shall be prepared and certified by an engineer, architect, landscape architect or land surveyor duly authorized by the state to practice as such. A site plan may be prepared in one or more sheets to show clearly the information required by this Article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every site plan shall show the name and address of the owner or developer, magisterial district, County, state, north point, date and scale of the drawing and the number of sheets. In addition, it shall

reserve a blank space, three (3) inches wide and five (5) inches high, for the use of the approving authority.

20-4-2 Scale and sheet size: Site plans shall be prepared to a scale of one inch equals fifty (50) feet or larger; the sheet or sheets shall be twenty-four (24) inches by thirty-six (36) inches.

20-4-3 Number of copies: Twenty (20) clearly legible, blue- or black-line copies of a site plan shall be submitted to the Zoning Administrator.

20-4-4 Notice required: Any person who submits a site plan for approval under the provisions set forth in this Article shall submit written proof of notification of five (5) property owners in the immediate vicinity of the property involved, two (2) of which property owners shall be adjoining such property. No site plan shall be approved within five (5) days of any such notice. The notification shall read as follows: "This is to notify you that a site plan has been submitted to the Office of the Zoning Administrator, County Office Building, 302 North Main Street, Culpeper, Virginia, 22701 Phone: 727-3404, for approval by the County of Culpeper. This site plan may be reviewed at the above office and is subject to approval after the expiration of five (5) days from receipt of this notice."
(Ords. of 8-6-1974; 5-24-1989; 4-2-2002(2))

20-5. Procedure for Processing.

20-5-1 Responsibilities of the zoning administrator: The zoning administrator is responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof to reviewing departments, agencies and officials. He shall see that all reviews are completed on time and that action is taken by the approving authority on the site plan within sixty (60) days, except under abnormal circumstances, from the receipt thereof in his office. All site plans which are appropriately submitted and conform to standards and requirements set forth in this Article shall be approved or rejected by the Planning Commission after having been reviewed by the zoning administrator relative to:

20-5-1.1 The location and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.

20-5-1.2 The concurrence of the Virginia Department of Transportation for the location and design of the vehicular entrances and exits to and from state maintained streets and highways.

20-5-1.3 The location and adequacy of automobile parking areas.

20-5-1.4 Adequate provisions for traffic circulation and control within the site and providing access to adjoining property.

20-5-1.5 Compliance with the requirements of this ordinance for setbacks and screening.

20-5-1.6 Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.

20-5-1.7 Compliance with applicable established design criteria, construction standards and specifications for all improvements required by a duly adopted resolution of the governing body of the County of Culpeper.

20-5-1.8 The concurrence of County Health Officer or his agents if septic tanks and other sewage disposal facilities other than sanitary sewers are involved.

20-5-1.9 The acceptance by the Culpeper Soil and Water Conservation District of sediment and erosion control plans, site grading and protection of drainage channels and surface water.

20-5-2 Review and approval: All site plans submitted for consideration must be reviewed for completeness, agency concurrence and compliance with this Article by the zoning administrator prior to review by the Planning Commission. Any such application that has been approved, subject to any conditions thereof,

shall be endowed by the Planning Commission with vested rights of development under this Article.

20-5-2.1 Administrative approval: Administrative approval by the zoning administrator shall be all that is required for site plans in which all of the following conditions are met, however, the zoning administrator shall have the authority, at his discretion, to refer any site plan to the Planning Commission for review.

Conditions for administrative approval:

a. The property is zoned for industrial use.

b. The proposed use is industrial, and is not subject to a conditional use permit.

c. The property is designated as industrial on the future land use plan component of the most current Culpeper County Comprehensive Plan.

d. Water and sewer service is currently available to the site or an alternative method of providing sanitary service to the site is currently available, and all other necessary infrastructure is in place, such that no further review for compliance with the Comprehensive Plan would be required under section 15.2-2232 of the Code of Virginia.

Other Administrative approval: Administrative approval may also be granted for minor (up to ten percent (10%) additional floor space within a three (3) year period) additions or accessory structures on property for which a site plan has been previously approved.

20-5-2.2 Ordinance amendments affecting site plans. Any site plan shall be afforded the opportunity to be completed in accordance with the provisions in effect at the time of application subject to fulfillment of the requirements of all other applicable provisions of this Article. Any applicant denied a site plan, or having a site plan denied after January 1, 1991, because of a Zoning Ordinance amendment or map amendment made effective following after the official filing date of the site plan request may appeal such a denial to the Board of Supervisors, which may, after a public hearing, approve or amend and approve the requested site plan as a vested plan of development if all of the following elements are established to the Board's satisfaction.

20-5-2.2a Approval would not be detrimental to the health, safety or welfare of the general community.

20-5-2.2b The application is a good faith attempt to achieve a use which was allowable at the time of filing, and was filed as a substantially complete document conforming to the County's requirements, in good faith and diligently pursued towards approval status.

20-5-2.2c The applicant's level of investment in the plan of development is so significant that a denial of the plan would amount to an improper taking of the applicant's property rights. Claims of investment lost or decreased and based solely on the underlying zoning of the property shall not be the basis for any action hereunder which vests the development rights in a parcel of property.
(Ords. of 8-6-1974; 5-24-1989; 5-7-1991; 7-1-1997)

Editor's note—Ordinance of 7-1-1997 allowed administrative review of site plans under certain conditions.

20-6. Required Improvements.

In furtherance of the purposes of this ordinance and to assure the public safety and general welfare, the Planning Commission shall require the following improvements:

20-6-1 Walkways:

The designation of pedestrian walkways so that patrons may walk on the same from store to store or building to building within the site and to adjacent sites.

20-6-2 Curbs, gutters and sidewalks:

The construction of all off-site curbs, gutters and sidewalks and the construction of all off-site road widening to the width as specified on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground.

20-6-3 Dedication of rights-of-way:

The dedication of all rights-of-way to their width as designated on the major thoroughfare plan of the County of Culpeper for the full frontage of the lot or parcel of ground prior to the processing of any certificate of occupancy by the zoning administrator.

20-6-4 Vehicular travel lanes or driveways:

The construction of vehicular travel lanes or driveways not less than 22 feet in width, which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.

20-6-5 Connection of walkways and driveways:

The connection wherever possible of all walkways and driveways with similar facilities on adjacent property.

20-6-6 Screening, fences, etc:

Screening, fences, walls, curbs and gutters as are required by the provisions of this ordinance, other ordinances of the County or by the regulations of the Virginia Department of Transportation.

20-6-7 Screen planting:

Screen planting adequate to screen views effectively within a period of time, with the type and size of the planting to be determined by the Culpeper County Planning Commission. Views to be screened include commercial property, when adjacent to residential, and industrial property, when adjacent to residential or commercial. The rear and side views of industrial property that adjoins a United States highway or a Virginia primary highway shall have screening installed along the full length of such highway frontage. Planting shall be hardy, appropriate for use and location and planted so as to thrive with normal maintenance as specified by the Culpeper Soil and Water Conservation District.

20-6-8 Easements or rights-of-way for publicly maintained facilities:

Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended and recorded before approval of the site plan.

20-6-9 Curb gutters:

Curb gutters for driveways that provide vehicular travel to and from adjacent parking areas to adjacent property for the purpose of separating the same from parking areas and walkways.

20-6-10 No-parking signs:

Adequate no-parking signs along such streets, highways or driveways to prohibit parking on such as required by the governing body.

20-6-11 Drainage systems:

Adequate drainage systems for the disposition of storm and natural waters.

20-6-12 Acceptance by County:

Upon satisfactory completion of all off-site improvements, the developer shall take the necessary steps to have said improvements accepted by the County of Culpeper for maintenance.
(Ord. of 8-6-1974)

20-7. Agreement Bond and Fees.

Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the County, together with a bond with surety or condition acceptable to the County in the amount of the estimated cost of the required physical improvements as determined by the zoning administrator. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the zoning

administrator which time may be extended by the governing body upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the zoning administrator designated by resolution by the governing body. In any case where the zoning administrator rejects any such agreement or bond, the owner or developer shall have the right to have such determination made by the governing body, provided the owner or developer has paid to the County a fee for the examination and approval of site plans and the inspection of all required improvements shown on such plans. Such fees shall be determined by the governing body which, by resolution, shall establish or change from time to time a schedule of fees for the examination and approval of site plans and inspection of all required improvements included in such plans. Such fee shall be payable to the Treasurer and deposited to the credit of the general fund.
(Ord. of 8-6-1974)

20-8. Expiration of site plan.

An approved final site plan shall be valid for a period of five (5) years from the date of approval thereof, except that site plans approved in connection with a special use permit shall be valid for so long as the related special use permit is valid, including extensions thereof.
(Ord. of 1-3-1995)

Editor's note—The ordinance of 10-3-1995 deleted the previous section 20-8, entitled "Approval and Extension", and replaced it with the above section, so as to more closely follow the state code.

20-9. Revisions and Waiver.

Any site plan may be revised in the same manner as originally approved, and any requirement of this Article may be waived by the governing body in specific cases where such requirements are found to be unnecessary due to a unique circumstance and where such waiver will not be detrimental to the purpose of this Article.
(Ords. of 8-6-1974; 7-1-1997)

20-10. Appeal.

Appeals of decisions made by the zoning administrator pursuant to the provisions of § 15.2-2299 of the Virginia Code, as may be amended from time to time, shall be made in accordance with the provisions of § 15.2-2301 of the Virginia Code, as may be amended from time to time. All other decisions of the zoning administrator may be appealed in accordance of the provisions of § 15.2-2311 of the Virginia Code, as may be amended from time to time.
(Ords. of 8-6-1974, 9-5-1995)

Editor's note—The amendment of 9-5-1995 repealed previous section 20-10 and enacted the version printed above, so as to bring the Zoning Ordinance into compliance with current law.

20-11. Building Permit.

No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this Article except in conformity to such site plan which has been duly approved.
(Ord. of 8-6-1974)

20-12. Inspection and Supervision During Installation.

20-12-1 Construction standards:

Unless specifically provided in this ordinance the construction standards for all off-site improvements and on-site improvements required by this Article shall conform to the County design and construction standards. The zoning administrator or his agent shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.

20-12-2 Inspections of off-site improvements:

Inspections during the installation of the off-site improvements shall be made by the zoning administrator for such improvements as required to certify compliance with the approved site plan and applicable County standards.

20-12-3 Notification prior to start of work:

The owner shall notify the zoning administrator in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

20-12-4 Supervision of installation of improvements:

The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.

20-12-5 Certificate of approval:

Upon satisfactory completion of the installation of the required improvements the owner shall receive a certificate of approval from the zoning administrator on the improvements upon the application for such certificate. Such certificate of approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.

20-12-6 Installation not to bind County's acceptance:

The installation of improvements as required in this Article shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
(Ord. of 8-6-1974)

20-13. As-Built Site Plan.

Upon satisfactory completion of the installation of required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the office of the zoning administrator seven (7) copies of an "as built" site plan, certified by the engineer or surveyor, one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan by the appropriate County departments, as designated in this section.

The zoning administrator shall not process the occupancy permit until the appropriate "as built" site plan has been reviewed and approved by the appropriate County departments.
(Ord. of 8-6-1974)

20-14. Occupancy Certificate.

A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided:

20-14-1 Other on-site construction and improvements in section completed:

The other on-site construction and improvements in the approved site plan for the section have been completed and have been inspected and accepted by the zoning administrator, the County Health Officer or his agent and a certified as-built site plan has been submitted to the zoning administrator one week prior to the proposed date of occupancy.

20-14-2 Necessary off-site improvements accepted by VDOT:

The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the Virginia Department of Transportation; and the developer has submitted a certified as-built drawing for the section; or the developer has provided surety acceptable to the Commonwealth Attorney of the County of Culpeper.
(Ord. of 8-6-1974)

20-15. Violations and Penalties.

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Article or permits any such violation or fails to comply with any of the requirements hereof or who erects any building or uses any building or any land prior to the approval of an "as-built" site plan by the zoning administrator and the appropriate County departments shall be guilty of a misdemeanor and, upon

conviction thereof, shall be subject to punishment as provided by Article 23. Each day such violation continues shall constitute a separate offense.

20-15-1 Unlawful construction or use:

Any building erected or improvements constructed contrary to any of the provisions of this Article or any use of any building or land which is conducted, operated or maintained contrary to any provision of this Article shall be, and the same is hereby declared to be, unlawful. The zoning administrator may initiate an injunction, mandamus or any other appropriate action to prevent; enjoin, abate or remove such erection or use in violation of any provision of this Article. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this Article.

20-15-2 Notice and remedies:

Upon his becoming aware of any violation of this Article the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the zoning administrator has specified he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this Article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.
(Ord. of 8-6-1974)

ARTICLE 21. TRUNK THOROUGHFARE SETBACKS AND FUTURE STREET LINES*

21-1. Finding of necessity.

In order that the Comprehensive Land Use Plan embodied in this Article shall be property related to a comprehensive plan of thoroughfares for the County, and to assure that the continuing intensification of land use in the foreseeable future will not result in the erection of buildings in locations which will unduly restrict vehicular traffic capacity, it is hereby determined that building setbacks greater than those set forth in the regulations for the respective districts established by this Ordinance are required for buildings adjacent to certain thoroughfares within the County. It is further determined that, in furtherance of this foregoing policy, future street lines may also be required.

21-2. Authority of governing body; approval of maps by Planning Commission.

Both the building setback lines and future lines referred to in section 21-1 may be specified by the County by the governing body from time to time and shall be shown on a map adopted by the governing body which may also amend any such map from time to time. Before taking any of the foregoing action, the governing body shall refer the proposed map or proposed amendment thereto to the Planning Commission for its recommendations thereon, and shall hold a public hearing on the proposal in accordance with the same procedure as that specified by law in connection with amendments of this Ordinance. Any such map adopted under the provisions of this Article shall be recorded in the office of the Clerk of the Circuit Court.

21-3. Future street lines to be used in application of regulations.

After the designation of future street lines for any streets as specified in the preceding section, all distances specified in any of the regulations contained in this Ordinance with reference to street lines shall be measured from the future street lines for such street. If any future street lines designated as aforesaid are located other than in relation to an existing street, such lines shall be deemed to be street lines for the purpose of the application of the provisions of this Ordinance.

***Editor's note—**On February 2, 1971, the Culpeper County Board of Supervisors adopted a major thoroughfare plan which requires an 85 foot setback from the state right-of-way line, on both sides of state route 29, beginning at the corporate limits of the Town of Culpeper and running to the Madison County line.

ARTICLE 22. AMENDMENTS

22-1. Procedure.

The governing body may from time to time amend, supplement, change, modify or repeal the requirements and/or districts herein established on its own motion or on a petition of the owner(s) or contract owner(s) of the property proposed for a change.

22-1-1 Application to be in writing:

Every application by a property owner for such amendment shall be filed in writing with the zoning administrator not less than thirty (30) days before a public hearing of the Planning Commission accompanied by a fee in such amount as is prescribed, from time to time, by the Board of Supervisors. The Planning Commission shall provide a recommendation to the governing body no more than sixty (60) days following the commission hearing. The governing body shall provide for a public hearing for all such changes and amendments at its monthly meeting.
(Ord. of 3-3-1987)

22-1-2 No reconsideration in less than one year:

No application for any change of zoning of the same lot shall be considered by the governing body within a period of one year from its last consideration by the governing body. This provision, however, shall not impair the right of the governing body to propose a change of zoning on its own motion.

22-1-2(A) Calculating Twelve (12) Month Application Limitation:

The twelve (12) month application time limitation of Virginia Code § 15.2-2286(7) shall be calculated from the date of filing of the application, excluding any and all tablings, delays, continuances, deferrals, or similar requests for extensions of time made by the applicant(s) and granted during the application process.

22-1-2(B) Time Limitation on Filing Application After Withdrawal:

Should an applicant withdraw an application subject to Zoning Article 22 — Amendments, another application, subject to Zoning Article 22 — Amendments, for the same lot(s) shall not be filed within six months of the date of withdrawal of the original application, as amended. This limitation does not apply to the County of Culpeper.

22-1-3 Public hearing by Planning Commission:

The Planning Commission shall hold at least one public hearing on such proposed amendment after notice as required by law, and shall make appropriate recommendations to the governing body together with its explanatory materials.

22-1-4 Public hearing by Board of Supervisors:

Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.
(Ord. of 8-3-2004)

ARTICLE 23. VIOLATIONS AND PENALTIES

23-1. Failure to obtain permit or obtaining permit upon false statement.

It shall constitute a violation of this Ordinance for any person, firm or corporation, either owner, agent or occupant, to do any of the things for which a permit is required by this Ordinance without having first obtained the said permit; and any permit issued upon a false statement of any fact which is material to the issuance thereof shall be voidable at the discretion of the Board of Supervisors. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Supervisors, the zoning administrator, at the direction of the Board, shall forthwith revoke the same, by notice in writing to be delivered to the holder of the void permit upon the premises where the violation has occurred, or, if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any such person, firm or corporation who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this Ordinance shall be deemed guilty of violation thereof.
(Ord. of 4-9-1996)

Editor's note—The amendment of 4-9-1996 made a permit obtained upon false statements voidable at the discretion of the Board of Supervisors, when the facts have been proven to its satisfaction.

23-2. Violations generally.

It shall constitute a violation of this Ordinance for any person, firm or corporation, either owner, agent or occupant, to violate, disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of this Ordinance. Each failure, refusal, neglect or violation, and each day's continuance thereof shall constitute a separate offense.
(Ord. of 7-5-1995)

Editor's note—The amendment of 7-5-1995 added the word "violate" before "disobey" in the first sentence. In the second sentence, the words "failure, refusal, neglect or violation and each" before "day" were added; "day" was changed to "day's"; "continuance thereof" was inserted and "upon which said violation shall continue" was deleted before "shall constitute"; and "violation" was deleted and "offense" inserted at the end of the sentence.

23-3. Penalty.

It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Ordinance. Any person who is convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not less than ten dollars ($10.00), nor more than one thousand dollars ($1,000.00). Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.
(Ord. of 7-5-1995)

Editor's note—The amendment of 7-5-1995 deleted a fine limit of two hundred fifty dollars ($250.00) and added a limit of one thousand dollars ($1,000.00) in order to make the fine structure current with state law. The old last sentence, "Each day which a violation continues shall constitute a separate violation", was deleted and the new last sentence added.

ARTICLE 24. CONSTITUTIONALITY

24-1. Severability.

Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

ARTICLE 25. REPEAL OF CONFLICTING PROVISIONS

25-1. Repealer.

All Ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their conflict.

ARTICLE 26. EFFECTIVE DATE

26-1. Prescribed.

This Zoning Ordinance of the County of Culpeper, Virginia, shall be in full force and effect on and after its adoption; the public welfare demanding it.

Editor's note—The original ordinance was adopted December 5, 1967.

ARTICLE 27. EXISTING STRUCTURES USE PERMIT

27-1. Purpose.

27-1-1 Purpose:

The purpose of these provisions is:

27-1-1.1 To encourage the reuse of structures that existed prior to the approval of this ordinance and any amendments thereto.

27-1-1.2 To provide a planned use which serves an existing need in Culpeper County.

27-1-1.3 To permit uses without necessitating rezoning to allow said uses.

27-1-1.4 To allow planned improvement of nonconforming uses.

27-1-1.5 To encourage the planning and utilization of structures for uses not in conflict with surrounding uses in a manner which will contribute to the economic base of Culpeper County or otherwise further the purposes of this Ordinance.
(Ords. of 10-5-1979; 5-24-1989)

27-2. General requirements.

Uses approved under the provisions of this Article shall be special uses requiring a use permit and following the procedures outlined in Articles 17 and 20 of this Ordinance. The proposed use shall also be subject to the regulations of this Article and any other pertinent provisions of this Ordinance.
(Ord. of 10-6-1976)

27-3. Plan requirements.

Any application filed for an existing structures use permit shall include all documents and materials required by Article 20 of this Ordinance and a detailed description of the proposed use.
(Ord. of 10-5-1976)

27-4. Function and use regulations.

27-4-1 Permitted uses:

Uses allowed with an existing structures use permit shall fall within the preview of section 27-1 of this Article, and further shall be limited to include only those uses which:

27-4-1.1 Avoid traffic congestion.

27-4-1.2 Provide adequate off-street parking.

27-4-1.3 Are of a nature that neither hours of operation nor noise generated shall adversely affect the surrounding land uses.

27-4-1.4 In no other way have a detrimental impact on surrounding land uses.
(Ord. of 10-5-1976)

27-5. Area regulations.

27-5-1 Use to be contained within existing structure:

Use of any existing structure shall be contained wholly within said structure, including any additions or alterations thereto, as shown on the site plan submitted with the application.

27-5-2 Sight distance and visibility requirements:

No additions to the existing structure or placement of new structures, signs or landscaping shall violate the sight distance and visibility requirements of this Ordinance or those of the Virginia Department of Transportation.

27-5-3 Front, rear and side yard requirements:

All front, rear and side yard requirements of the district in which the site lies shall be met when building new structures or adding on to the existing structure.
(Ord. of 10-5-1976)

27-6. Site improvements.

The proposed use shall comply with the required improvements of section 20-6 of this Ordinance.
(Ord. of 10-5-1976)

27-7. Height requirements.

The height restrictions of the district in which the building site lies shall prevail except where the provisions of Article 9 of this Ordinance apply. (Ord. of 10-5-1976)

27-8. Off-street parking.

27-8-1 Number of parking spaces:

The total number of parking spaces to be provided shall be determined in accordance with Article 10-3-4 of this Ordinance. The total number of the required parking spaces shall be located on the premises.

27-8-2 Off-premises parking:

When space is not available or when available space in inappropriate because of physical site characteristics or improvements, the applicant shall demonstrate that the required off-street parking spaces are available within a walking distance of eight hundred (800) feet. The applicant shall produce written documentation of ownership or an agreement with the owner of off-premises parking spaces to demonstrate that sufficient spaces have been leased and assigned to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use.

27-8-3 Parking improvements:

The parking improvements listed in Article 10-2 of this Ordinance shall be adhered to.
(Ord. of 10-5-1976)

27-9. Reserved.*

27-10. Minimum requirements.

Notwithstanding section 27-9, however, the following minimum requirements shall be complied with in every case.

27-10-1 Vehicular access points:

Vehicular access points to the site and any street improvements, including widening and directional turning lanes if necessary, shall be provided in compliance with the standards set forth by the Virginia Department of Transportation.

27-10-2 Pedestrian walkways and entranceways:

Pedestrian walkways and entranceways shall provide direct access from existing and designated new parking areas to the building and shall connect with any existing pedestrian walkways. The applicant shall demonstrate that the proposed pedestrian walkways will offer protection to the users from motor vehicles.

27-10-3 Buffers:

The proposed use shall be buffered so as to provide a harmonious transition from the proposed use to surrounding uses. To accomplish this, the applicant may incorporate design elements, including but not limited to open space corridors, natural vegetation screens, park and recreation facilities or landscaping.

27-10-4 Nighttime illumination:

All parking, loading, access and service areas and pedestrian and vehicular corridors shall be adequately illuminated at night if necessitated by the applicant's operation. Such lighting, including sign lights, shall be arranged so as to protect the highway and adjoining property from direct glare or hazardous interference of any kind.

27-10-5 Sign requirements:

No sign or other structure shall be erected unless it fully complies with those requirements of Article 11 of this Chapter for the least intense district in which the proposed use would be permitted by right.
(Ord. of 10-5-1976)

27-11. Nonconforming use applicability.

Any structure containing a nonconforming use may qualify for a use permit under the provisions of this Article. If said application is approved, however, acceptance shall constitute the changing of a nonconforming use to a conforming use and thereby negate any rights peculiar to a nonconforming use.
(Ord. of 10-5-1976)

*__Editor's note—__Former section 27-9, adherence to requirements, as added by Ord. of 10-5-1976, was repealed by Ord. of 5-24-1989.

27-12. Time limit on permit.

Permits issued pursuant to this Article shall remain in effect until such time as the use for which the permit was granted is altered in any manner from the use as stated in the application for permit; or the approved use ceases to operate for a period of one year. At this time, the permit shall become null and void. However, the Board of Supervisors may, after receiving the recommendations of the Planning Commission, grant a time extension for lapsed uses in those cases where termination of the use has been caused by events beyond the control of the current holder of the permit.
(Ord. of 10-5-1976)

27-13. Development plan changes during construction.

After the final development plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangements of parking areas, entrances, heights or yards are requested by the applicant and such requests conform to the standards established by the approved final plan for the area to be covered by buildings, site improvements, height requirements and parking spaces, such adjustments may be approved by the zoning administrator upon application and without fee.
(Ord. of 10-5-1976)

27-14. Future additions or alterations.

There shall be no future additions or alterations to the structure as shown on the plan submitted with the application for permit. Deviations from the approved plan shall constitute the creation of a new use and require application for a new permit in the manner prescribed hereinabove.
(Ord. of 10-5-1976)

ARTICLE 28. MOBILE HOME USE PERMIT

28-1. Purpose.

The purpose of these provisions are to:

28-1-1 Permit placement:

Allow mobile homes to be placed in agricultural, commercial and industrial zoning districts; and

28-1-2 Protect health, safety and welfare:

Ensure that each mobile home is sited in a manner which protects the health, safety and welfare of the occupants and the general public.
(Ords. of 11-3-1976; 8-2-1983)

28-2. General requirements.

28-2-1 Prior to issuance of use permit:

The following requirements shall be met by every applicant for a mobile home use permit prior to issuance of said permit:

28-2-1.1 Sewage disposal and water supply system approval by the Culpeper County Health Department;

28-2-1.2 Bond agreement to cover the expenses of removing any mobile home which remains on the site over six (6) months after the expiration date of the permit; and

28-2-1.3 Ownership of the land on which the mobile home is to be located by the applicant or the applicant's immediate family.

28-2-2 Prior to occupancy:

The following requirements shall be met by every applicant securing a mobile home use permit prior to occupancy of said mobile home:

28-2-2.1 Culpeper County Health Department approval of well and sewer connections and construction.

28-2-2.2 Culpeper County Building Official approval of anchoring, tie-down, electrical service and any other requirements on mobile homes which that official is authorized to regulate.

28-2-3 After placement on lot:

The following requirements shall be adhered to by every applicant securing a mobile home use permit within sixty (60) days of placement on the lot, unless the applicant can demonstrate that compliance with said time limit is physically infeasible because of health conditions. In such cases, the zoning administrator may grant a time extension not to exceed four (4) additional months.

28-2-3.1 Skirting which completely screens the undercarriage of the mobile home.
(Ord. of 11-3-1976)

28-3. Temporary use permits.

28-3-1 Uses:

Temporary use of a mobile home may be permitted for the following purposes:

28-3-1.1 Occupancy for up to three (3) years while constructing a dwelling.

28-3-1.2 Occupancy for up to one year while reconstructing a dwelling.

28-3-1.3 Occupancy as an office on a construction site for the duration of such work.

28-3-1.4 Occupancy for up to one year for an emergency hardship.

28-3-1.5 Occupancy for up to five (5) years for a medical hardship or by those providing the primary care for such a hardship.

28-3-2 Specific requirements:

In addition to meeting the general requirements of section 28-2, the applicant for a temporary mobile home use permit shall comply with the following specific requirements:

28-3-2.1 The mobile home shall be located on the same property as the intended construction or on which the hardship occurs or which is affected by or directly linked to the occurrence of the hardship, except for medical hardships, which are limited in location to property owned or

controlled by either the care provider or care recipient, and resided on by both. The number of care recipients unrelated to the care provider is limited to no more than two (2) individuals or as exempted by the Board of Supervisors.

28-3-2.2 A building permit must have been issued for a temporary use permit during construction/reconstruction and must remain in effect and in good standing to maintain the use permit.

28-3-2.3 A request for medical hardship must be accompanied by a statement from at least one doctor certifying to physical or mental incapacity that requires an independent care giver or special equipment that can be provided through a temporary mobile home use permit.

28-3-2.4 Utility services and connection shall be consolidated with existing site uses wherever possible and must be adequate to accommodate all uses. Sewer and water service must be provided on site.

28-3-2.5 In the case of emergency hardship, a finding shall be made and documented by the zoning administrator under the definition found in section 2-33A of the Zoning Ordinance.

28-3-3 Administration:

28-3-3.1 A temporary mobile home use permit shall be issued in accordance with Article 28 by the zoning administrator, based upon the criteria in section 28-3-2, and reviewed at least annually by the same for the permitted duration unless it is determined by the Administrator that review by the Planning Commission and approval by the Board of Supervisors is needed.

28-3-3.2 Consideration of a temporary mobile home use permit for emergency or medical hardship purposes requires consultation with the Board of Supervisors member from the district in which the proposed use is located to provide referral on area character, duration community concern and site capability.

28-3-3.3 Extension of the time limits of section 28-3-1 may be granted by the zoning administrator for up to one year or as may be authorized by the Board of Supervisors after review by the Planning Commission and an advertised public hearing.

28-3-3.4 All applications for emergency or medical hardships shall receive immediate priority from the Building Official's office, which shall, upon request of the applicant, promptly perform all inspections and, upon successful passage, issue all needed permits under priority status. (Ords. of 11-3-1976; 4-3-1990)

28-4. Renewable use permits.

28-4-1 Uses:

Use of a mobile home on a renewable basis may be permitted for the following purposes:

28-4-1.1 Occupancy by a farm tenant.

28-4-1.2 Use for office employment and equipment.

28-4-1.3 Use as a classroom for educational and institutional purposes.

28-4-2 Specific requirements:

In addition to meeting the general requirements of section 28-2, the applicant for a renewable mobile home use permit shall comply with the following specific requirements prior to review and approval by the Board of Supervisors:

28-4-2.1 The principal income of a farmer tenant shall be at least eighty percent (80%) derived from the farm on which the mobile home is located.

28-4-2.2 Use as an office or classroom is an accessory use to an appropriate existing use that is consistent with the zoning district in which it is located. All plumbing fixtures shall be removed, and no sewer/water connections shall be allowed unless specifically authorized by the Board of Supervisors.

28-4-2.3 All nonresidential uses and modifications to mobile homes must be ap-

proved by the Building Official and are subject to the appropriate building permits. Medical treatment and patient residency are specifically prohibited.

28-4-3 Administration:

Renewable mobile home use permits shall be issued by the zoning administrator only after review by the Planning Commission and approval by the Board of Supervisors. A time limit for reexamination shall be set by the Planning Commission and included in its recommendation to the Board of Supervisors. The zoning administrator shall then review each case annually until the condition for which the permit was granted no longer exists or the time limit has expired, whichever comes first. At this time, continued use of the mobile home shall require reapplication for a new use permit.
(Ords. of 11-3-1976; 4-3-1990)

28-5. Right to public hearing.

28-5-1 Right available to any applicant:

Any applicant shall have the right to public hearing by requesting review by the Planning Commission and approval by the Board of Supervisors. The zoning administrator shall act according to the Board's decision.
(Ord. of 11-3-1976)

ARTICLE 29. CONDITIONAL ZONING

29-1. Policy and purpose.

It is the general policy of Culpeper County, in accordance with the provisions of § 15.2-2283, Code of Virginia, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this Article to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community's interests that are not generally applicable to land similarly zoned.
(Ords. of 2-5-1980; 7-3-1990)

29-2. Proffer of conditions.

Any owner of real property who is an applicant for a Zoning Map amendment (rezoning) of his property may, as part of his application, proffer, in writing, reasonable conditions concerning the use and development of his property, including off-site improvements that may serve or benefit his property and the public welfare. Proffered conditions shall be in addition to those regulations provided in Appendix A (Zoning) of the Culpeper County Code and applicable to the particular zone classification sought in said application and may only be accepted, provided that:

29-2-1 Rezoning creates need:

The rezoning itself gives rise to the need for the proffered conditions:

29-2-2 Reasonable relation:

Such conditions have a reasonable relation to the rezoning; and

29-2-3 Conformance with Comprehensive Plan:

All such conditions are in conformity with the Comprehensive Plan of Culpeper County.
(Ords. of 2-5-1980; 7-3-1990)

29-3. Form of proffers.

29-3-1 Proffer statement:

All proffered conditions shall be set forth with clarity and specificity in a "proffer statement," which shall follow the following format:

PROFFER STATEMENT

RE: Applicant's Name
Owner's Name (if different from Applicant)
Date
Rezoning File Number (if number has been assigned by the Office of Planning and Zoning)

I (we) hereby proffer that the use and development of this property shall be in strict accordance with the following conditions:

1.

2.

3.

etc.

29-3-2 Revisions to proffer statement:

Any revision to the proffer statement shall be submitted in the same format, with a new date, and shall include at the end of the statement the following:

> The conditions set forth in this proffer statement supersede all conditions set forth in previous proffer statements submitted as a part of this application.

29-3-3 Plans, profiles, etc.:

The applicant may also proffer to use and develop his property in accordance with the schematic land use plan or other plans, profiles, elevations, demonstrative materials and written statement submitted as a part of his general plan of development. In such case, the

proffer statement shall make reference to such materials, and each copy of such materials shall contain the following statement:

> I hereby proffer that the use and development of this property shall be in strict accordance with the proffered conditions set forth herein and/or depicted thereon.

29-3-4 Proffer statements to be notarized:

All proffer statements and materials referenced in Subsection 29-3-3 immediately above shall be signed and notarized by all the owners of the property, as well as the applicant, if they are different persons.
(Ords. of 2-5-1980; 7-3-1990)

29-4. Procedure for submission of proffer statements and materials; acceptance.

29-4-1 Original submission:

All proffer statements and/or materials shall be first submitted at the time of application but may be amended from time to time as desired by the applicant. Original statements or materials first submitted after the Planning Commission hearing are subject to re-referral to the commission for comment before the opening of the Supervisors' hearing. Substantial amendments submitted later than two (2) weeks prior to the final public hearing of the Board of Supervisors shall not be deemed acceptable for incorporation into the statement or materials but shall be accepted for consideration of the need for a further public hearing by the Board of Supervisors, which may schedule an additional public hearing to consider late amendments, at its option.

29-4-2 Late submission of amendments:

Any late amendment submission shall act to extend by a period of one month the total time allowed by law for review and consideration of a rezoning request if, by virtue of the above requirement for an additional public hearing and the Board's schedule, the matter would be placed for hearing after the expiration of the allowed review period.
(Ords. of 2-5-1980; 7-3-1990)

29-5. Effect of acceptance.

29-5-1 Conditions binding upon adoption:

The governing body, when acting on an application for a Zoning Map amendment, may adopt as a part of the Zoning Map the proffered conditions, in whole or in part, set forth by the applicant. Once adopted by the governing body, such proffered conditions shall be binding on the use and development of the property and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance and/or map.

29-5-2 Map references; conformance to existing conditions:

The Zoning Map and other appropriate files maintained by the zoning administrator shall reference the existence of adopted proffered conditions attached to various properties. Any site plan, subdivision plan, development plat or permit application thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by any County official in the absence of such conformity. For the purpose of this section, "conformity" shall mean such conformity which leaves a reasonable margin of adjustment due to final engineering data but conforms to the general nature of the development, the specific uses and also the layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

29-5-3 Authority of zoning administrator:

The zoning administrator shall have all enforcement and administrative authority so granted to him by § 15.2-2299 of the Virginia Code, 1950, as amended, in the enforcement and administration of conditions, once adopted and made part of this Chapter.

29-5-4 Guaranty:

The zoning administrator or his agent may require a guaranty, satisfactory to the Board,

in an amount sufficient for and conditioned upon the construction of any physical improvements required by the proffered conditions or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty may be reduced or released by the Board upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guaranty shall be required no later than final site plan or subdivision approval.

29-5-5 Failure to comply; consequences:

Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits, grading permits, zoning permits, building permits, use permits and certificates of occupancy as may be deemed appropriate by the zoning administrator.

29-5-6 Right of appeal:

Any person aggrieved by any decision of the zoning administrator regarding any proffered condition or the regulations contained in this section or the denial of any permit may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) days from the date of notice of the decision by filing a notice of appeal with the zoning administrator. Such notice shall be a written statement specifying in full the grounds on which aggrieved and the basis for the appeal.

29-5-7 Board of Supervisors to hear appeals:

Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and render its decision, in writing, within sixty (60) days after receipt of the appeal notice. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the zoning administrator brought upon appeal.
(Ords. of 2-5-1980; 7-3-1990)

29-6. Review of map amendments with proffer statements.

29-6-1 Submissions: All submissions relating to rezoning cases shall be made to the Office of Planning and Zoning.

29-6-2 Review: When an amendment to the Zoning Map has been initiated and a proffer statement filed in conjunction therewith, the Planning Director shall cause the amendments to be expeditiously reviewed by such staff, departments, offices, agencies or other personnel as he finds appropriate.

29-6-3 Summary of findings: The review shall include an examination of the applicant's proffer statement and/or materials. The Director or his designee may suggest revisions to the proffer statement in order to clarify the proffers volunteered by the applicant. In addition, before the application is scheduled for a public hearing before the Planning Commission, the Director or his designee shall present to the applicant a summary of the findings of the review in order that the applicant may make modifications of his application should he desire to do so.

29-6-4 Public hearing: After the Director shall have presented a summary of the review findings to the applicant, the application shall be referred to the Planning Commission for public hearing. The Director shall not be required to refer such application immediately but shall consider the applicant's preference, the Planning Commission's schedule and the appropriate use of County staff.
(Ords. of 2-5-1980; 7-3-1990)

ARTICLE 30. ENTRANCE CORRIDOR OVERLAY DISTRICT—EC

30-1. Intent.

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the County's natural, scenic and historic, architectural and cultural resources including preservation of natural and scenic resources as the same may serve this purpose; to ensure a quality of development compatible with these resources through architectural control of development; to stabilize and improve property values; to protect and enhance the County's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the County from tourism; to support and stimulate complimentary development appropriate to the prominence afforded properties deemed to be of historic, architectural or cultural significance, all of the foregoing to be balanced with the economic realities of development, and being deemed to advance and promote the public health, safety and welfare of the citizens of the Culpeper County and visitors thereto.
(Ord. of 6-4-2002(3))

30-2. Application.

The entrance corridor overlay district (hereafter referred to as EC) is created to conserve elements of the County's scenic beauty and to preserve and protect corridors:

30-2-1 Along arterial streets or highways (as designated pursuant to Title 22.1 of the Code of Virginia, including § 33.1-41.1 of that title) found by the Board of Supervisors to be significant routes of tourist access to the County; or

30-2-2 To preserve historic landmarks as established by the Virginia Landmarks Commission together with any other buildings or structures within the County having an important historic, architectural or cultural interest and any historic areas within the County as defined by § 15.2-2201 of the Code of Virginia; or

30-2-3 To preserve designated historic landmarks, buildings, structures or districts as identified in the Culpeper County Comprehensive Plan.

30-2-4 EC overlay districts may be applied over any basic zoning district and/or other overlay district. EC overlay districts are hereby established:

30-2-4.1 To the full depth of all parcels of land that are contiguous to the rights-of-way of the following EC streets in Culpeper County, or to a depth of five hundred (500) feet from the rights of way, whichever shall be greater, but in no case to exceed one thousand five hundred (1,500) feet, along the following EC streets in Culpeper County:

1. U.S. Route 211
2. U.S. Route 229
3. U.S. Route 522
4. U.S. Route 15
5. U.S. Route 15-29
6. U.S. Route 15-29 Business (Town Corporate Limits to Route 15-29)
7. U.S. Route 3
8. Virginia Route 615 (Orange County Line to Route 522)
9. Virginia Route 614 (Route 615 to Route 721)

(Ord. of 6-4-2002(3))

30-3. Permitted uses.

30-3-1 By right: The following uses shall be permitted by right in any EC overlay district:

30-3-1.1 Uses permitted by right shall include all uses permitted by right in the underlying districts except as herein otherwise provided.

30-3-2 By Special use permit: The following uses shall be permitted by special use permit in any EC overlay district.

30-3-2.1 Uses permitted by special use permit shall include all uses permitted by special use permit in the underlying districts;

30-3-2.2 Outdoor storage, display and/or sales associated with permitted uses, any portion of which would be visible from an EC street; provided that review shall be

limited to the intent of this section. Residential, agricultural and forestal uses shall be exempt from this provision.

(Ord. of 6-4-2002(3))

30-4. Area and bulk regulations; minimum yard and setback requirements; height regulations; landscaping and screening; preservation of natural features.

Area and bulk regulations, minimum yard and setback requirements, and height regulations shall be as provided by the underlying district, except that the following provisions and limitations shall apply to any development or portion thereof which shall be visible from a designated EC street.

30-4-1 A certificate of appropriateness is required for the following:

30-4-1.1 Except as otherwise provided in Section 30-7, no building permit shall be issued for any purpose unless and until a certificate of appropriateness has been issued in accord with Section 30-8 or Section 30-9 for improvements subject to such building permit.

30-4-1.2 Except as otherwise provided in Section 30-6, for any development subject to approval under Article 20, site plans, no final site development plan shall be approved unless and until a certificate of appropriateness has been issued in accord with Section 30-8 or Section 30-9 for all building improvements shown thereon.

The certificate of appropriateness shall be binding upon the proposed development as to conditions of issuance. The certificate shall certify that the proposed development as may be modified by the conditions of issuance is consistent with the design guidelines adopted by the Board of Supervisors for the specific EC street. Signature by the zoning administrator upon the final site development plan or building permit, as the case may be, shall be deemed to constitute such certification.

In making such determination as to consistency with design guidelines, the architectural review board may specify any architectural feature as to appearance, such as, but not limited to, motif and style, color, texture and materials together with configuration, orientation and other limitations as to mass, shape, height and location of buildings and structures, location and configuration of parking areas and landscaping and buffering requirements to the extent such practices are authorized under the adopted design guidelines without regard to regulations of the underlying zoning district or regulations of Article 20 of this ordinance. However, the Architectural Review Board must balance their design decisions with the economic realities of those decisions. The Architectural Review Board may waive any of the adopted design guidelines at their discretion. Such a waiver must be justified due to cost or some other unique circumstance or hardship.

30-4-1.3 Regulations of Section 20-6-7, Screen Planting, shall apply within any EC overlay district except that:

a) In addition to the provisions of Section 30-4-1, the architectural review board may require specific landscaping measures in issuance of a certificate of appropriateness, as the same may be related to insuring that the proposed development is consistent with the design guidelines adopted by the Board of Supervisors for the specific EC street.

Existing trees, wooded areas and natural features shall be preserved except as necessary for location of improvements as described in Section 20-6 provided that the Architectural Review Board may authorize additional activity upon finding that such activity will equally or better serve the purposes of this ordinance. Such improvements shall be located so as to maximize the use of existing features in screening such improvements from EC streets to the extent such practices are authorized under the adopted design guidelines.

b) The certificate of appropriateness shall indicate the existing features to be preserved pursuant to the preceding paragraph; the limits of grading or other earth disturbance; the location and type of protective fencing, and grade changes requiring tree wells or tree walls.

c) No grading or other earth disturbing activity (including trenching or tunneling), except as necessary for the construction of tree wells or tree walls, shall occur within the trip line of any trees or wooded areas nor intrude upon any other existing features designated in the certificate of appropriateness for preservation.

d) Areas designated on approved plans for preservation of existing features shall be clearly and visibly delineated on the site prior to commencement of any grading or other earth-disturbing activity (including trenching or tunneling) and no such disturbing activity or grading or movement of heavy equipment shall occur within such area. The visible delineation of all such existing features shall be maintained until the completion of development of the site.

(Ord. of 6-4-2002(3))

30-5. Sign regulations.

Signage shall be governed in part by the provisions of Article 11, particularly, as they pertain to allowable total square footage. Signage in EC overly districts shall be subject to the provisions of Section 30-4-1 of this Article.
(Ord. of 6-4-2002(3))

30-6. Nonconformities; exemptions.

30-6-1 Any use, activity, lot or structure subject to the provisions of the EC overlay district that does not conform to the provisions of the EC overly district shall be subject to Article 12, non-conforming buildings and uses, of this ordinance.

30-6-2 An owner may repair and maintain a nonconforming structure or a structure occupied or used by a nonconforming use as provided in Article 12 of this ordinance, upon determination by the zoning administrator that such repair or maintenance would not be contrary to the intent and purposes of this Section 30-6.

(Ord. of 6-4-2002(3))

30-7. Exemptions.

30-7-1 The provisions of Section 30-4-1 notwithstanding, no certificate of appropriateness shall be required for the following activities.

30-7-1.1 Interior alterations to a building or structure having no effect on exterior appearance of the building or structure.

30-7-1.2 Construction of ramps and other modifications to serve the disabled.

30-7-1.3 The repair and maintenance of structures authorized pursuant to Section 30-6-2.

30-7-1.4 Main and accessory residential, forestal and agricultural buildings where no site plan is required for the work subject to the building permit.

30-7-1.5 General maintenance where no substantial change in design or material is proposed.

30-7-1.6 Additions or modifications to a building where no substantial change in design or material is proposed as determined by the Zoning Administrator.

30-7-2 Development within village centers as identified in the Culpeper County Comprehensive Plan may, as an alternative to the provisions of Section 30-4-1, obtain a certificate of appropriateness for a specific and detailed set of design guidelines for the overall development. Once such guidelines have been approved and received a certificate of appropriateness, individual site plans and structures would be exempt from individual reviews by the Architectural Review Board. In such instances, an expiration may be placed on the

certificate of appropriateness, such that the guidelines could be revisited after an established period of time.

(Ord. of 6-4-2002(3))

30-8. Administration.

This Article shall be administered by the Zoning Administrator and by an Architectural Review Board created and appointed by the Board of Supervisors of Culpeper County pursuant to Article 30A, Architectural Review Board, of this ordinance.

The Architectural Review Board shall be responsible for issuance of certificates of appropriateness as required by this Article. In some instances as identified herein, the Zoning Administrator may issue certificates of appropriateness. Application for a certificate of appropriateness together with a fee as may be set from time to time by the Board of Supervisors shall be filed by the owner or contract purchaser of the subject property with the Zoning Administrator. Materials submitted with the application or on subsequent request by the architectural review board shall include all plans, maps, studies and reports which may be reasonably required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. The Zoning Administrator shall forward the application together with all accompanying materials to the Architectural Review Board within five (5) calendar days of the date of application.

Notice of application submittal shall be sent by first class mail to each member of the Planning Commission, Board of Supervisors, and the applicant. No certificate of appropriateness shall be issued within ten (10) calendar days of the date of mailing of such notice. The notice shall state the type of use proposed, specific location of development, including magisterial district, appropriate County office where the application may be reviewed and date of the Architectural Review Board meeting.

Upon receipt of an application, the Architectural Review Board shall schedule the same for consideration and shall cause such notice to be sent as herein above required. The Architectural Review Board shall confer with the applicant and shall approve or disapprove such application and, if approved, shall issue a certificate of appropriateness therefore, with or without conditions together with such modifications as deemed necessary to insure compliance with this section. It shall be permissible for an application for a certificate of appropriateness and a site plan application to be filed concurrently. In such instances, the Architectural Review Board must meet prior to the scheduled public hearing for the site plan. Failure of the Architectural Review Board to approve or disapprove such application within sixty (60) days from the date of application shall be deemed to constitute approval of the application. In any instance where action is delayed at the request of the applicant, the sixty (60) day time period shall be automatically extended by an amount equal to the requested delay.

Nothing contained in this Article, entrance corridor overlay district—EC, shall be deemed to compromise, limit, or otherwise impair the Commission in its exercise of site plan review as set forth in Article 20, Site Plans, of this ordinance. It is the express intent of the Board of Supervisors that matters related to public health and safety as may be defined by the Commission shall prevail over issues of aesthetics as may be defined by the Architectural Review Board. Therefore, the Commission in its review of any site plan may modify, vary or waive any requirement of the certificate of appropriateness as issued by the Architectural Review Board upon finding that such action would better serve the public health or safety, or upon finding that the costs associated with certain requirements are unreasonable.

30-8-1 Applications made to the Architectural Review Board may be made in three (3) different formats.

30-8-1.1 Preliminary site plan review: This type of submission contains the minimum amount of information necessary for the Architectural Review Board to make a determination. Following review of a preliminary site plan, a certificate of appropriateness may be issued by the Zoning Administrator for projects where no more detailed review is needed in the opinion of the Zoning Administrator. The prelimi-

nary review process may also be utilized by the applicant to obtain feedback on a project prior to submitting a final site plan. This type of review shall be adequate for smaller projects and for projects in which site plan approval is administrative. Any application can be referred to the Architectural Review Board at the discretion of the Zoning Administrator.

30-8-1.2 Final site plan review: This type of submission contains the full range of information needed for the Architectural Review Board to make a final determination regarding a certificate of appropriateness. Most development proposals in the EC district shall be subject to this type of review.

30-8-1.3 Sign review: This type of submission contains only enough information needed for the Zoning Administrator to make a final determination regarding a certificate of appropriateness for signs.

(Ord. of 6-4-2002(3))

30-9. Appeals.

The Board of Supervisors reserves unto itself the right to review all decisions of the architectural review board made in the administration of this Article that, in its discretion, it shall deem necessary to the property administration hereof.

Any person aggrieved by any decision of the Architectural Review Board in the administration of this section may demand a review of the application by the Board of Supervisors. Such demand shall be made by filing a request therefore in writing with the clerk of the Board of Supervisors within ten (10) calendar days of the date of such decision. The Board of Supervisors may affirm, reverse or modify, in whole or in part, the decision of the Architectural Review Board. In so doing, the Board of Supervisors shall give due consideration to the recommendation of the Architectural Review Board together with such other evidence as it deems necessary for a proper review of the application.

Any person or persons jointly or severally aggrieved by any decision of the Board of Supervisors may appeal such decision to the Circuit Court of the County for review by filing a petition at law, setting forth the alleged illegality of the action of the Board of Supervisors, provided such petition is filed within thirty (30) days after the final decision is rendered by the Board of Supervisors.

For the purposes of this section, the term "person aggrieved" shall be limited to the applicant, the Architectural Review Board or any member thereof, the Commission or any member thereof, the agent, the Zoning Administrator, the County Administrator, the Board of Supervisors or any member thereof.

(Ord. of 6-4-2002(3))

ARTICLE 30A. ARCHITECTURAL REVIEW BOARD

30A-1. Appointment and organization.

There is hereby created an Architectural Review Board consisting of five (5) members, who shall be appointed by the Board of Supervisors and shall have the powers and duties as set forth herein.

The members shall consist of two (2) qualified residents of Culpeper County who shall have a demonstrated interest, competence or knowledge in architecture and/or site design, two (2) members of the Planning Commission, and one (1) member of the Board of Supervisors.

Members shall be appointed for terms to be determined by the Board of Supervisors.

The Architectural Review Board may, from time to time, adopt such rules and regulations consistent with the ordinances of the County and the laws of the Commonwealth, as it may deem necessary to carry out the duties imposed by this ordinance. The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine. The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of official actions shall become part of the permanent records of the board. A quorum shall be a majority of all the members of the board.

Within the limits of funds appropriated by the Board of Supervisors, the Architectural Review Board may employ or contract for such secretaries, clerks, legal counsel, consultants and other technical and clerical services as the Architectural Review Board may deem necessary for transaction of its business. The Architectural Review Board shall have the authority to request the opinion, advice or other aid of any officer, employee, board, bureau or commission of the County within the scope of his or its respective competence.

Members of the Architectural Review Board shall receive such compensation as may be authorized by the Board of Supervisors, from time to time.
(Ord. of 6-4-2002(4))

30A-2. Powers and duties.

30A-2-1 The Architectural Review Board shall administer the provisions of Article 30, Entrance Corridor Overlay District—EC, in accordance with duties as set forth in such district; and shall promulgate appropriate design standards for such districts for recommendation by the Planning Commission and ratification by the Board of Supervisors;

30A-2-2 The Architectural Review Board may, from time to time, recommend areas for designation as EC overlay districts;

30A-2-3 The Architectural Review Board shall be advisory to the Planning Commission, Board of Supervisors and Board of Zoning Appeals in rezonings, use permits, comprehensive plan amendments, and variances within EC overlay districts.
(Ord. of 6-4-2002(4))

30A-3. Assumption of powers and duties by the Planning Commission.

30A-3-1 Upon adoption of Article 30, Entrance Corridor Overlay District, if there is an interim period in which there has not been appointed an architectural review board, the Planning Commission shall assume the duties and powers of the architectural review board in order to administer the provisions of Article 30.

30A-4-1 The Board of Supervisors shall have the authority to allow the Planning Commission to act as the architectural review board on an ongoing basis as an alternative to appointing a review board. Similarly, the Board of Supervisors may disband the architectural review board at any time, and on such an occasion, the Planning Commission would assume the powers and duties of the architectural review board.
(Ord. of 6-4-2002(4))

ARTICLE 31. AGRICULTURAL ENTERPRISE USE PERMIT

31-1. Purpose.

It is the purpose of this Article to allow agriculture-related uses of higher intensities than those defined as agriculture in this Ordinance when they further adopted goals, plans and policies for maintaining and enhancing the agricultural economic base of Culpeper County.
(Ord. of 1-3-1984)

31-2. General requirements.

Uses approved under the provisions of this Article shall be considered special uses within agricultural zoning districts. Submission and review must follow the procedures outlined in Article 17 of this Ordinance.
(Ord. of 1-3-1984)

31-3. Plan requirements.

Any application filed for an agricultural enterprise use permit shall be accompanied by a detailed, written description of the proposed use. This document shall, along with any reasonable conditions imposed by the governing body and a site plan prepared in accordance with the requirements of Article 20, become the basis for enforcing future compliance with the permit.
(Ord. of 1-3-1984)

31-4. Function and use regulations.

Uses allowed with an agricultural enterprise use permit shall be convincingly shown by the applicant to promote, preserve and generally relate to the agricultural economy of Culpeper County. For the purposes of making the determination, the governing body shall consider:

31-4-1 Impact: The impact the proposed use will have on the agricultural character and operations of the surroundings;

31-4-2 Benefits: The benefits the proposed use will have towards maintaining or enhancing the agricultural economic base of the property in particular and Culpeper County in general;

31-4-3 Furtherance of adopted goals, etc.: The degree to which the proposed use will further adopted goals, plans and policies of Culpeper County to protect the environment, provide an efficient transportation network and ensure the public's health, safety and welfare; and

31-4-4 Mitigation of potential threats: The success with which the proposed use is designed to mitigate potential threats to the environment and people of Culpeper County.
(Ord. of 1-3-1984)

31-5. Adherence to requirements.

Height, area, setback, parking, sign and any other requirements for the proposed use shall be those of the district in which the use would normally fall, except that any such regulation may be made more stringent as a reasonable condition of approval.
(Ord. of 1-3-1984)

31-6. Development plan changes during construction.

After the final development plan has been approved and if, in the course of construction, adjustments or rearrangements of parking areas, entrances, heights, yards or other incidental locational and dimensional criteria are requested by the applicant, they may be approved by the zoning administrator, provided that each and every request conforms to all applicable ordinances.
(Ord. of 1-3-1984)

31-7. Future additions or alterations.

No structural or use addition or alteration from the approved plan and written description shall be permitted without rendering the permit null and void and inviting legal action as prescribed in this Ordinance.
(Ord. of 1-3-1984)

MINIMUM LOT, AREA, WIDTH AND YARD REQUIREMENTS
(See Article 9, Section 9-5-3.8)

Zone	*Minimum Residential Area Regulations (Cluster)*			
	Single-Family	*Duplex/0-Lot*	*Townhouse*	*Apartment*
A-1	—	—	—	—
RA	—	—	—	—
RR	43,560	—	—	—
R-1	20,000	—	—	—
R-2	15,000	15,000	—	—
R-3	6,000	6,000	2,000	—
R-4	—	—	—	—

Minimum Residential Width Requirements (Cluster)								
	Single-Family		*Duplex/0-Lot*		*Townhouse*		*Apartment*	
Zone	*INT*	*CNR*	*INT*	*CNR*	*INT*	*CNR*	*INT*	*CNR*
A-1	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—
RR	120	120	—	—	—	—	—	—
R-1	85	100	—	—	—	—	—	—
R-2	75	90	65	75	—	—	—	—
R-3	55	75	55	75	20	40	—	—
R-4	—	—	—	—	—	—	—	—

Minimum Residential Yard Regulations (Cluster)									
Zone	*Single-Family*			*Duplex/0-Lot*			*Townhouse*		
	F	*S(C)*	*R*	*F*	*S(C)*	*R*	*F*	*S(C)*	*F*
A-1	—	—	—	—	—	—	—	—	—
RA	—	—	—	—	—	—	—	—	—
RR	50	20(40)	35	—	—	—	—	—	—
R-1	45	15(25)	30	—	—	—	—	—	—
R-2	40	10(20)	25	40	15(25)	25	—	—	—
R-3	25	8(20)	15	25	8(20)	15	35	0(15)	25
R-4	—	—	—	—	—	—	—	—	—

APPENDIX B

SUBDIVISION ORDINANCE*

***Editor's note—**The subdivision ordinance was adopted by the Board of Supervisors on July 5, 1978, and is reprinted herein from a pamphlet prepared by County personnel. Amendments have been added and are indicated by amendment notes appearing in parentheses () at the end of the amended section or subsection. Any words appearing in brackets [] were added by the editor for clarity. This republication of the subdivision ordinance reflects the numerous changes made since Supplement 14 which have resulted in a significant repagination of the Ordinance. For case of future updates, each Article will now appear on a separate page.

Cross references—Subdivision Ordinance not affected by the Code or the Ordinance adopting the Code, § 1-5(7); fees for approvals, applications, etc., required by the Subdivision Ordinance, § 2-2; Planning Commission, § 2-14 et. seq.; building regulations generally, Ch. 6; findings and determination as to flood protection in proposed subdivisions, § 6-2; erosion and sediment control, Ch. 8; traffic, Ch. 10; water supply, Ch. 14; Zoning Ordinance, App. A; substandard subdivisions, Zoning Ordinance Article 19.

State law references—Land subdivision and development, Code of Virginia, § 15.2-2240 et. seq.; requirement that counties adopt ordinances to assure the orderly subdivision of land and its development, § 15.2-2240; provisions to be included in subdivision ordinance, § 15.2-2241.

Article VII. Design Standards

Article VIII. Improvement Specifications

Article IX. Administration and Enforcement

ARTICLE I. PURPOSE, AUTHORITY, TITLE AND JURISDICTION

100. Purpose.

The purpose of this Ordinance is to establish subdivision standards, procedures and regulations for the County of Culpeper, Virginia, in order to assure the orderly subdivision of land and its development.

110. Authority and title.

This Ordinance is authorized pursuant to the provisions of the Code of Virginia 1950 (as amended), found in Title 15.2, chapter 22, Article 6, § 15.2-2240 et seq., Land Subdivision and Development. The Ordinance is known and may be cited as "Subdivision Ordinance of Culpeper County, Virginia, 1978."

120. Jurisdiction.

This Ordinance shall apply in the following circumstances:

121 To all subdivision of land submitted after the effective date of this Ordinance.

122 To all subdivision of land previously approved in accordance with any law or regulation then applicable, which has not been duly recorded in the Culpeper County Clerk's office in accordance with the terms of such approval within sixty (60) days of the enactment of this Ordinance.

123 To all plats and plans, boundary surveys, easement plats, or other instruments which show parcels or lots subdivided under this ordinance or any predecessor ordinance or which reflect any requirement or provision of this ordinance.
(Ord. of 9-5-2000)

ARTICLE II. DEFINITIONS

200. General.

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated:

201 Words in the singular include the plural and those in the plural include the singular.

202 Words in the present tense include the future tense.

203 The words "person," "developer," "subdivider" and "owner" shall include a corporation, unincorporated association, a partnership or other legal entity as well as an individual.

204 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

205 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

206 The word "County" means Culpeper County, Virginia.

207 The term "board" or "Board of Supervisors" means the Board of Supervisors of Culpeper County.

208 The term "Commission" or "Planning Commission" means the Planning Commission of Culpeper County.*

210. Specific terms and words.

Other terms or words used herein shall be interpreted or defined as follows:

211 Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

212 Block: Property bounded on one side by a street and on the other three (3) sides by a street, railroad right-of-way, waterway, unsubdivided area or other definite barrier.

213 Building setback line: The line within a property defining the minimum required front yard distance between any building to be erected and the adjacent right-of-way.

214 Cartway (roadway): The portion of the street right-of-way, paved or unpaved, intended for vehicular use.

215 Clear sight triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a distance from the intersection of the street center lines as established by the Virginia Department of Transportation.

216 Common open space: A parcel or parcels of land, an area of water, or a combination of land and water, within a development site designed and intended for the use of residents of the development, but not including streets, off-street parking areas, private yard space or areas set aside for nonresidential and public facilities.

217 Comprehensive Plan: The maps, charts and textual material adopted by the Board of Supervisors of Culpeper County in accordance with Title 15.1 Chapter 11, of the Code of Virginia and designated as a whole and in its several parts as the Comprehensive Plan of Culpeper County.

218 Dwelling Unit: Any structure of part thereof containing one or more rooms designed for occupancy by a single family as an individual habitable unit for living, sleeping, eating, cooking and sanitation purposes.
(Ord. of 5-24-1989)

219 Easement: A grant by a property owner for the use of land for a specific purpose and running with the land.

220 Engineer: A professional engineer licensed as such in the Commonwealth of Virginia.

221 Erosion: The removal of surface materials by the action of natural elements.

221A Family: Any number of individuals related by blood, marriage or adoption or not more than three (3) individuals who are not so related, living together as a single household, including domestic servants and gratuitous

*__Cross reference__—Planning Commission, § 2-14 et seq.

guests, together with boarders, roomers or lodgers not in excess of the number allowed by this Ordinance.
(Ord. of 5-24-1989)

222 Floodplain: The area along a natural watercourse which is periodically overflowed by water therefrom. "Floodplain" areas are designated in the Culpeper County Zoning Ordinance by the F-1 District and subject to all regulations of that district irrespective of any other zoning designations.

223 Frontage: A line parallel to the front property line extending the full width of the lot, all points of which correspond to those of the required setback line.

224 Health official: The head of the Culpeper County Health Department or his designated deputy.

225 Highway engineer: The resident engineer in Culpeper County of the Virginia Department of Transportation or his designated deputy.

226 Immediate family: Any person who is a natural or legally defined offspring, spouse, parent or guardian.

227 Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

228 Land area: The area of a lot or tract exclusive of the area normally occupied by a pond, river or branch.

229 Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

230 Lot, building: A parcel of land intended for development or improvement, whether immediate or future.

231 Lot, corner: A lot abutting on two (2) or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

232 Lot, remnant:* Any portion of the original parcel of land which remains or is left as excess following subdivision. The "remnant" is itself a lot subject to building or development and regulation thereof.
(Ord. of 12-12-1989)

233 Lot, reverse-frontage: A lot extending between or having frontage on two (2) generally parallel streets with vehicular access from only the street of lower classification order.

234 Lot area: The area contained within the property lines of the lot, excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

235 Maintenance guaranty: Security required pursuant to this Ordinance to ensure that improvements will be kept in good condition after completion of construction and installation, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.
(Ords. of 5-24-1989, 9-5-2000)

236 Performance guaranty: Security required pursuant to this Ordinance to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.
(Ords. of 5-24-1989, 9-5-2000)

237 Plan, sketch: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the County.

238 Plan, preliminary: A tentative plan showing proposed streets, lot layouts, existing and

***Editor's note—**Former Subsection 232 was repealed by Ord. of 3-3-1987.

proposed buildings, wells and sewer locations and such other information as required by this Ordinance.

239 Plan, final: A complete and exact plan with a registered land surveyor's Seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.

240 Plat, record: The copy of the final plan which is intended to be recorded in the office of the Clerk of the Circuit Court of Culpeper County.

241 Resubdivision: Any replatting or resubdivision of land on an approved final plan or record plat.

242 Right-of-way: The total width of any land reserved or dedicated as a street, sidewalk or for other public or semipublic purposes.

243 Sanitary sewage disposal, public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is operated by a governmental agency or governmental authority.

244 Sanitary sewage disposal, centralized: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a single land development, subdivision or neighborhood land operated by a public utility company, private corporation or company licensed in the Commonwealth of Virginia to operate such facilities.
(Ord. of 5-24-1989)

245 Sanitary sewage disposal, on-lot: Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

246 Septic tank: A watertight receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged.

247 Sight distance: The required length of roadway visible to the driver of a motor vehicle, the design standards of which are prescribed by the Virginia Department of Transportation.

248 Slope: The face of any embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

249 Street: A strip of land, including the entire right-of-way (i.e., not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, alley or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

250 Street line: The limit of a right-of-way.

251 Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

252 Subdivide: To separate in any manner any lot, tract or parcel of land into two (2) or more lots, tracts or parcels, including changes in existing lot lines, or, if a new public or private street is involved in such division, any division of a parcel of land. The term includes resubdividing.
(Ord. of 9-5-2000)

253 Subdivision: The act or process of subdividing as herein defined.

254 Surveyor: A certified land surveyor as licensed by the Commonwealth of Virginia.

255 Tile absorption: A system of open, joint or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

255.1 Vacation: Vacation of a previously approved subdivision plat shall occur whenever any feature of that plat is revised. Revision shall include, without limitation, any change in the placement or location of public or private streets, any change in the placement or location of easements or other rights-of-way, but shall not be deemed to include property line adjustments between lot owners as provided for in sections 570 or 614.
(Ord. of 9-5-2000)

256 Watercourse: A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether a natural or man-made body.

257 Water supply and distribution system, public: A system for supplying and distributing water from a common source to dwellings or other buildings, which is operated by a governmental agency or governmental authority.

258 Water supply and distribution system, centralized: A system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings, generally serving a single land development, subdivision or neighborhood and operated by a public utility company or individual landowner.

259 Water supply and distribution system, on-lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

260 zoning administrator: The County official charged by the Board of Supervisors with the responsibility of administering the subdivision application submission procedure.

ARTICLE III. SKETCH PLAN SUBMISSION PROCEDURE AND REQUIREMENTS

300. Sketch plan submission.

301 Sketch plan maps and materials shall be submitted for all proposed subdivisions for the purpose of discussion between the Office of Planning and Zoning and the subdivider.

302 One copy of all sketch plans maps and materials, as set forth in section 320, shall be submitted to the Office of Planning and Zoning.

310. Sketch plan review.

311 When sketch plan maps and materials have been submitted to the Office of Planning and Zoning, the data presented will be reviewed for general compliance to all appropriate County criteria and Ordinances.

312 The Office of Planning and Zoning shall review the sketch plan data to determine whether the proposal is an appropriate use of the site, as indicated by the natural features analysis presented. The sketch plan stage is designed to offer the subdivider an opportunity to informally discuss plans for the proposed subdivision with Culpeper County officials.

313 Within thirty (30) days of submission of sketch plan data to the Office of Planning and Zoning, an agent of that office shall make any recommendations to the subdivider which are deemed necessary or advisable in the public interest to provide appropriate use for the site.

314 Within six (6) months after the completion of the sketch plan review by the Office of Planning and Zoning, the subdivider shall submit a preliminary plan. Failure to do so shall render any office recommendations null and void.

320. Sketch plan requirements.

321 The sketch plan submission shall include the following background maps where lot development is anticipated:

321.1 A map illustrating natural drainage patterns and water resources within the proposed tract, including delineation of streams, natural drainage swales, ponds and lakes, wetlands, floodplains and permanent seasonal high water tables.

321.2 A map illustrating the types of soil present within the proposed subdivision tract based on the Culpeper County Soils Survey (Soil Conservation Service). The map should include delineation of prime agricultural areas, unstable soils, soils susceptible to erosion and soils most suitable for on-lot disposal.

321.3 A topographic map of the site with no greater than twenty (20) foot contour intervals, including delineation of slope areas under five percent (5%) and fifteen percent (15%) and over fifteen percent (15%).

321.4 A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, rock outcroppings and scenic views.

321.5 Where feasible and legible, the analysis involved in sections 321.1 through 321.4 may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics of the site upon the development potential of the same shall be clearly illustrated on the map or maps.

321.6 Reserved.
(Ord. of 3-3-1987)

322 A sketch of the proposed subdivision comprised of the following shall be submitted:

322.1 An illustration and explanation of the subdivider's general development concepts for the tract.

322.2 A layout of the proposed subdivision including the general location of streets, lots, sanitary and storm sewers and recreation land, where applicable.

ARTICLE IV. PRELIMINARY PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

400. Preliminary plan submission.

401 Twenty (20) black-line or blue-line copies of the preliminary plan and all required supplementary data for all proposed subdivisions shall be submitted by the subdivider to the Office of Planning and Zoning at least thirty (30) days prior to the regularly scheduled meeting of the Planning Commission at which action thereon is desired.
(Ord. of 3-3-1987; 4-2-2002(3))

402 If the preliminary plan submission complies with section 420 of this Ordinance, the zoning administrator shall stamp one print for review of the Highway Engineer, Health Official and Soil and Water Conservation District and then return the stamped print to the subdivider for submission to these agencies.

403 The order of submission to these reviewing agents shall be as follows:

403.1 Highway Engineer.

403.2 Health Official.

403.3 Soil and Water Conservation District Official.

410. Preliminary plan review.

Preliminary plan review represents the first step in commitment for proposed applications. In order for a subdivider to successfully secure preliminary plan approval, the following steps must be completed:
(Ords. of 5-24-1989, 9-5-2000)

411 Initial review by the Office of Planning and Zoning:

411.1 The zoning administrator or agent thereof shall review the content of all maps and data presented to determine when the submission is complete.

411.2 Having made this determination, the zoning administrator shall advise the subdivider of the degree to which the submission is complete and either return the maps and materials for further work or affix a stamp on one copy of the preliminary plan map to be circulated by the subdivider to all necessary agencies.

412 Review by the Highway Engineer shall constitute analysis of any proposed roads for compliance with Virginia Department of Transportation design standards and all alignments and relationships of proposed streets to the existing road network.

413 Review by the Health Official shall require the following information before approval can be given:

413.1 Any additional contours necessary as the topography dictates.

413.2 A soil overlay with boundaries of unsatisfactory soil shown by shading.

413.3 Locations of house sites, well sites and disposal field sites as proposed.

413.4 Drainage easements, rights-of-way and highway changes as dictated by the Highway Engineer.

413.5 Location of well lots and distribution systems if central water systems are to be used.

413.6 Soil descriptions, including a description for individual sites showing soil type, profile and depth to rock.

413.7 A plat which indicates a survey point on each drainfield site.

414 Review by the Soil and Water Conservation District Official shall be of the proposed soil erosion and sediment control plan in cases where the proposed subdivision has not been exempted from such regulations.*

415 Review of the preliminary plan by the Planning Commission shall proceed as follows:

415.1 When a preliminary plan has been resubmitted to the Office of Planning and Zoning with the required agency approvals, such plan, except those plans exempted from standard procedures as provided for in Article VI, shall be placed on the agenda of the Planning Commission

*__Cross reference—__Soil erosion and sediment control plan, § 8-22 et seq.

for review at its next regular monthly meeting, provided that said submission has occurred no less than thirty (30) calendar days prior to such regular meeting. The Planning Commission shall hold a public hearing on the preliminary plan at this time.

415.2 The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this Ordinance and other applicable regulations and shall require or recommend such changes or modifications as it deems necessary.

415.3 No decision shall be made by the Planning Commission with respect to a preliminary plan until this body has received and considered the written report and approval of the Highway Engineer, the Health Official and the Soil and Water Conservation District Official; provided, however, that if these agents fail to respond thereon within thirty (30) days after receipt of the preliminary plan, then the Planning Commission may officially act without having received and considered such reports. In all cases, the Planning Commission must act within sixty (60) days after receipt of the preliminary plan from the subdivider unless said applicant requests further delay.

415.4 During review of the preliminary plan, the Planning Commission shall consider the written report of the Office of Planning and Zoning when making its decision.

415.5 Within ten (10) days after the meeting at which the preliminary plan is reviewed by the Planning Commission, the action taken by the commission in recommending approval or denial of the preliminary plan, together with the findings and reasons upon which the action is based, shall be given in writing to the following:

415.5.1 The Culpeper County Board of Supervisors.

415.5.2 The subdivider or his agent.
(Ords. of 1-6-1981; 5-24-1989)

416 Review by the Board of Supervisors shall be conducted in conjunction with a public hearing and proceed as follows:

416.1 The recommendations of the Planning Commission shall be reviewed and considered in making the decision.

416.2 Additional information may be requested of the Planning Commission or Office of Planning and Zoning.

416.3 The Board must act to approve or deny the submission within sixty (60) days after receipt of the preliminary plan with Planning Commission recommendations, unless further delay is requested by the applicant.

416.4 Written notice of the Board's decision shall be given to the applicant within ten (10) days of the meeting at which the decision took place.
(Ord. of 5-24-1989)

420. Preliminary plan requirements.

421 The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals fifty (50) feet, except in the case of a subdivision on one hundred (100) acres or more, in which case the scale may be one inch equals one hundred (100) feet. The preliminary plan shall be submitted in a format meeting the regulatory standards for plats adopted pursuant to section 42.1-82 of the Code of Virginia, found in 17 Virginia Administrative Code 15-60-10 through 15-60-70.
(Ord. of 9-5-2000)

422 The original drawing and all submitted prints shall be made on sheets of one (1) of the following sets of dimensions:

422.1 Eight and one-half (8½) by fourteen (14) inches.

422.2 Eighteen (18) by twenty-four (24) inches.

422.3 Twenty-four (24) by thirty-six (36) inches.

423 If the preliminary plan requires more than one sheet, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

424 The preliminary plan shall illustrate the following data:

424.1 The name and address of the record owner; the name of the developer if different from the owner; the names of all adjoining subdivisions, if any, and the names of the owners of all adjacent unplotted land, with the tax map, block and lot numbers where recorded.

424.2 The name of the proposed subdivision; the total tract boundaries of the properties being subdivided, showing bearings and distances; and a statement of total acreage of the property.

424.3 The name, address, license number and Seal of the registered engineer or land surveyor responsible for the subdivision plan; the North point graphic scale, written scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

424.4 A key map for the purpose of locating the property being subdivided drawn at a scale not smaller than one inch equals two thousand (2,000) feet and showing the relationship of the property differentiated by tone or pattern to adjoining property and all existing streets and roads within two thousand (2,000) feet of any part of the property.

424.5 The Tax Map, block and lot numbers within the proposed subdivision tract where recorded and the zoning district or districts within which the proposed subdivision is located.

424.6 All existing buildings or other structures within the proposed subdivision tract and all existing streets, including streets of record (recorded but not constructed) on or joining the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

424.7 All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads or other manmade features within the proposed subdivision tract and, where possible, within two hundred (200) feet of the boundaries of the proposed subdivision tract; location, width and purpose of existing easements and utility rights-of-way within two hundred (200) feet of the proposed subdivision tract; and the name, Tax Map and parcel number of parcels lying in an existing agricultural and forestal district adjacent to or within five hundred (500) feet of the subdivision tract.

424.8 Contour lines at vertical intervals of not more than twenty (20) feet or as may be required by the Culpeper County Health Department, whichever is the smaller increment.

424.9 The full plan of proposed development, including the following:

424.9.1 The location and width of all streets, entrances and rights-of-way with a statement of any conditions governing their use, suggested names and utility easement locations. Street and right-of-way center lines shall be located from the intersection of the nearest secondary road to an accuracy of one-tenth (1/10) of a mile in distance.

424.9.2 Building setback lines along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of Section 705 of this Ordinance.
(Ords. of 1-3-1995; 8-7-2001)

Editor's note—The ordinance of 1-3-1995 added the remainder of the sentence after the word "street".

424.9.3 Lot lines with approximate dimensions.

424.9.4 A statement of the intended use of all nonbuilding lots and parcels.

424.9.5 Lot numbers and a statement of the total number of lots and parcels.

424.9.6 The location of water, sanitary sewer and storm sewer lines (and other drainage facilities) and any proposed connections with existing facilities.

424.9.7 Parks, playgrounds and other areas dedicated or reserved for public or common use with any conditions governing such use.

424.9.8 Copies of the proposed deed restrictions or protective and restrictive covenants referenced to the preliminary plan map.

424.9.9 A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.

424.9.10 A sketch plan of the proposed road system for the remainder of this area not included in the preliminary plan.
(Ord. of 5-24-1989)

425 The preliminary plan shall be accompanied by the following supplementary data:

425.1 A plan for minimizing erosion and sedimentation in accordance with the Erosion and Sedimentation Control Standards as set forth by the Erosion and Sedimentation control Handbook and approved by the Soil and Water Conservation District.*

425.2 In the case of subdivision plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision consecutively numbered so as to illustrate phasing of development.

425.3 Certification of water supply systems.

425.3.1 *Public.* When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility which states that it can adequately serve the subdivision.

425.3.2 *Centralized.* When water service to the proposed subdivision is to be a centralized water system, the developer shall submit a letter from the health department which evaluates the proposed system in relation to the State's minimum requirements.

425.4 Certification of sewage disposal systems.

425.4.1 *Public.* When sewage disposal service to a proposed subdivision is to be provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility stating that it can adequately serve the subdivision.

425.4.2 *Centralized.* When the subdivision is to be served by a centralized sewage disposal system, the developer shall submit a letter from the Virginia State Water Control Board which evaluates the proposed system in relation to the State's minimum requirements.

425.4.3 *On-lot.* When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, the developer shall submit a letter from the Culpeper County Health Department which reports the department's findings as to the feasibility of using on-lot sewage disposal systems and shall, in addition, include on the preliminary plan building and drainfield locations for all lots which will be served by on-lot sewage disposal systems.

*__Cross reference—__Chapter 8, Culpeper County Code.

ARTICLE V. FINAL PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

500. Final plan submission.

501 Within twelve (12) months after approval of the preliminary plan, the final plan and all required supplemental data shall be submitted to the zoning administrator. An extension of time may be granted by the Planning Commission upon written request. Unless an extension is granted, the preliminary plan approval shall expire and be null and void twelve (12) months after the date of the approval, and any plan submitted thereafter shall be considered as a new preliminary plan and be subject to all the requirements thereto.
(Ord. of 9-5-2000)

502 Every aspect of the final plan shall substantially conform with that corresponding feature shown on the preliminary plan as previously approved by the Board of Supervisors. The zoning administrator shall require that the subdivider return to the Planning Commission with a new preliminary plan if any feature differs substantially on the final plan from the approved preliminary plan.

503 Repealed.
(Ord. of 9-5-2000)

504 Official submission of a final plan to the zoning administrator shall be comprised of the following:

504.1 Submission of five (5) paper prints of the final plan, which shall fully comply with sections 521 through 522 of this Ordinance.

504.2 Submission of one copy of all required supplemental information as set forth in section 523.

504.3 Submission of two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear signature of approval of the County Attorney as to their legal sufficiency.

510. Final plan review.

511 Review of the final plan by the zoning administrator shall proceed as follows:

511.1 The zoning administrator shall review the final plan to determine its conformance with the standards contained in this Ordinance, with other applicable County ordinances, and with the officially approved preliminary plan.

511.2 Within ten (10) days after submission the zoning administrator shall either return the final plan to the subdivider for the purpose of recordation or deny approval and make recommendations as to the necessary steps which must be taken to bring the final plan into conformance.

520. Final plan requirements.

521 The final plan shall conform to standards and data requirements a set forth for preliminary plan in section 420 of this Ordinance.

522 The following data shall be illustrated on the final plan:

522.1 The latest source of title to the land as shown on the Deed, Page Number and Book in the Culpeper County Clerk's Office.

522.2 The total tract boundary lines of the area being subdivided with accurate distances to 1/100 of a foot and bearings to ten (10) seconds. These boundaries shall be determined by accurate survey in the field to an error of closure not to exceed one foot in ten thousand (10,000) feet. The tract boundary shall subsequently be closed and balanced. However, the boundary or boundaries adjoining additional unplatted land of the subdivider (for sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

522.3 The following data for all proposed and existing streets:

522.3.1 The name, proposed name, or number of the street.

522.3.2 The cartway width and cartway edge (curblines) of the street.

522.3.3 The right-of-way width and right-of-way lines of the street.

522.3.4 Building setbacks along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of section 705 of this Ordinance.
(Ord. of 1-3-1995)

Editor's note—The ordinance of 1-3-1995 added Subsection 522.3.4.

522.4 Block and lot numbers and a statement of the total number of lots; all dimensions both linear and angular for locating lots, streets, street centerlines, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the 1/100 of a foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten (10) seconds.

All curves shall be defined by their radius, central angle, tangent length, chord bearings, chord distances, and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
(Ord. of 9-5-2000)

522.5 All common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, electric or other service to the proposed subdivision and any limitations on such easements or rights-of-way. The location of all such easements shall be shown and accurately identified on the plan Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of Culpeper County. No plat shall be approved unless the plat provides for such easements sufficient to provide for the furnishing of such services to all lots in the subdivision.
(Ord. of 9-5-2000)

522.6 A statement of the intended use of all non-building lots or parcels with reference to restrictions of any type which exist or will exist as covenants in the deed on the lots or parcels contained in the subdivision and, if covenants are recorded, including the book and page number in the Culpeper County Clerk's office.

522.7 The final plan shall provide space, preferably in the lower right-hand corner, and provide suitable lettering for evidencing:

522.7.1 The surveyor's certificate as to title.

522.7.2 The surveyor's certificate as to monuments.

522.7.3 All restrictive covenants or reference thereto.

522.7.4 The owner's certificate.

522.7.5 Approval by the zoning administrator of Culpeper County.

A form for the above may be obtained from the Office of Planning and Zoning.

523 The final plan shall be accompanied by the following:

523.1 A certificate signed by the County Treasurer evidencing payment of all applicable taxes.

523.2 A certificate signed by the Health Official evidencing conformity with all applicable requirements of the County health department. If water is to be provided by or sewer connected with an approved system, a certificate signed by the authorized official of such authority shall

also be submitted stating that the performance guaranty referred to in the following section is adequate to ensure the installation of such water or sewage facilities in a manner which will satisfy the requirements of both the County health department and the authority or agency as applicable
(Ord. of 9-5-2000)

523.3 If all improvements required under the provisions of this Ordinance are not completed, a performance guaranty for improvement completion as may be required by the Planning Commission and referred to in section 810 of this Ordinance.
(Ord. of 9-5-2000)

523.4 Profiles, cross sections and specifications for proposed streets, sanitary sewers, storm drainage, flood control and bridge and water system improvements, which conform to the design requirements of the Virginia Department of Transportation.
(Ord. of 9-5-2000)

523.5 A certificate signed by the Highway Engineer that all streets, parking areas, street signs and drainage systems required, if already constructed by the subdivider, are approved as being in conformance with the final plan and requirements of this Ordinance, or if they are not yet constructed, that the performance guaranty for completion referred to in the preceding section is adequate to guarantee satisfactory and acceptable installation thereof within a designated reasonable time.
(Ord. of 9-5-2000)

523.6 A certificate signed by the Soil and Water Conservation District Official attesting to the acceptance of final erosion and sediment control plans, as required, and evidencing conformity with final plan requirements of this Ordinance and Chapter 8 of the Culpeper County Code. Measures required to be installed and not yet constructed shall be subject to a performance guaranty for completion as required in Article VIII.
(Ord. of 9-5-2000)

523.7 A check payable to the County Treasurer to cover fees required.

523.8 An unexecuted copy of the proposed deed accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds to the effect that this is the true copy of the proposed deed which will be presented for recordation. Said copy shall:

523.8.1 Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

523.8.2 Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to Culpeper County such portion of the platted premises as is on such plan set apart for streets, alleys, easements or other public use and to create a public right of passage over the same.

523.8.3 Contain all protective or restrictive covenants.
(Ord. of 5-24-1989)

530. Recording the final plan.

531 No subdivision plan, hereinafter called the "record plat," shall be recorded unless and until it carries an original signature by the licensed surveyor or engineer, and is approved and signed by the zoning administrator.
(Ord. of 9-5-2000)

532 No record plat shall be recorded unless all the monuments shown and described on the final plan will be placed as evidenced by the certificate of a licensed surveyor endorsed on said plat.

533 Unless the final plan is submitted to the Clerk of the Circuit Court for Culpeper County for recordation within six (6) months of the

date of final approval and signing by the zoning administrator, such approval shall automatically be withdrawn and be void. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with an approved performance guaranty, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the approved performance guaranty agreement, whichever is greater.
(Ord. of 9-5-2000)

534 Within thirty (30) days after recordation of the approved record plat, the subdivider shall file a copy thereof in the office of the Culpeper County Commissioner of the Revenue.
(Ord. of 9-5-2000)

535 If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes an approved performance guaranty in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the County, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, or for such longer period as the zoning administrator, at the approval, determines to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of the performance guaranty and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.
(Ord. of 9-5-2000)

536 Recordation of the record plat of a subdivision shall not be deemed to be acceptance by the County of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.
(Ord. of 9-5-2000)

540. Recorded plats to be valid for not less than five years.

541 Pursuant to the provisions of section 15.2-2261 of the Code of Virginia, an approved final subdivision plat which has been recorded, hereinafter referred to as "recorded plat," shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the zoning administrator may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

542 Upon application of the subdivider or developer filed prior to expiration of a recorded plat, the zoning administrator may grant one or more extensions of such approval for additional periods as the zoning administrator may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

543 If the zoning administrator denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on this Subdivision Ordinance, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the Culpeper County Circuit Court, provided that such appeal is filed with the Circuit Court within sixty (60) days of the written denial by the zoning administrator.

544 For a period of five (5) years after approval of a recorded plat, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

545 Application for minor modifications to recorded plats made during the periods of validity of such plats established in accordance with this section shall not constitute a waiver of the

provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats.

546 The provisions of this section shall be applicable to all recorded plats valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect:

546.1 any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled;

546.2 the authority of the Culpeper County Board of Supervisors to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; or

546.3 the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 540.

550. Vacation of plat before sale of lot therein; ordinance of vacation.

551 Pursuant to the provisions of Va. Code § 15.2-2271, where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the two (2) methods set forth in sections 552 and 553 below.

552 With the consent of the Board, or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by section 523.8 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the office of the Clerk of the Circuit Court for the County of Culpeper and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

553 By ordinance of the Board, provided that no facilities for which bonding is required have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five (5) years of the date on which the plat was first recorded.

553.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.

553.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

553.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days of the adoption of the ordinance with the Culpeper County Circuit Court.

553.4 Upon appeal the Court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.

553.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Clerk of the Circuit Court for the County of Culpeper.

553.6 The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and ease-

ments for public passage and other public areas laid out or described in the plat.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 550.

560. Vacation of plat after sale of lot.

561 Pursuant to the provisions of Va. Code § 15.2-2272, in cases where any lot has been sold, the plat or part thereof may be vacated according to either of the two (2) methods set forth in sections 562 and 563 below.

562 By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the Board for the purpose of showing the approval of the vacation by the Board.

562.1 In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area.

562.2 The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner.

562.3 The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Circuit Court for the County of Culpeper.

563 By ordinance of the Board on motion of one of its members or on application of any interested person.

563.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.

563.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

563.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Culpeper County Circuit Court.

563.4 Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

563.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Circuit Court for the County of Culpeper.

564 Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by Va. Code § 15.2-2204 and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the Board pursuant to Va. Code §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 560.

570. Relocation or vacation of boundary lines.

571 The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision (i) approved as provided in this subdivision ordinance or (ii) properly recorded prior to the applicability of a subdivision ordi-

nance, and executed by the owner or owners of the land as provided in Va. Code § 15.2-2264, provided that:

571.1 Such action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.

571.2 No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 added the entire new section 570.

ARTICLE VI. MINOR DIVISIONS—PLANS EXEMPTED FROM STANDARD PROCEDURE

600. Generally.

Those certain types of subdivisions listed in section 610 below are defined as "minor divisions" and may, with approval as provided below, be exempted from some or all of the standard procedures outlined in Articles III, IV and V of this ordinance. Such divisions are subject to the provisions and must conform to the requirements and procedures set forth herein:

601 All minor divisions that are created by the subdivision of previously divided parcels may only be approved upon demonstration that the size, shape and design of the proposed lot or lots are in character with the original division and the surrounding area and may not violate the standards under which the original division was approved without complying fully with the requirements for a subdivision in Articles III, IV and V of this Ordinance.

602 The developer shall prepare and submit sketch plan maps and supportive data as may be required according to the procedures as set forth in sections 300 through 320 of this Ordinance, exclusive of section 314, for discussion with the Office of Planning and Zoning.

603 When no major incompatibility is found between the development potential of the site and the developer's general concept of the site, and within sixty (60) days after completion of sketch plan review by the Office of Planning and Zoning, the zoning administrator shall either (a) authorize the preparation of a final plan pursuant to section 604 below, or (b) proceed pursuant to the provisions of section 605 below.

604 The final plan shall meet the requirements set forth in section 520 of this Ordinance.

604.1 In addition to any other required items, the final plan must show any supplemental information as may be required by the highway department, health department or the soil and water conservation district and any approvals required thereof.

604.2 The final plan shall be submitted to the Office of Planning and Zoning and reviewed in accordance with the procedures as set forth in section 510 of this Ordinance.

604.3 If all the requirements of this Ordinance and other applicable laws have been met, the final plan shall be approved and may be recorded according to the requirements set forth in section 530 of this Ordinance.

605 If, in the opinion of the zoning administrator, the proposed subdivision, for reasons of public health, safety, and welfare, should be required to comply with any or all of the requirements of Articles III, IV or V of this Ordinance, the zoning administrator may require the applicant to comply with any or all of the requirements. The zoning administrator will notify the developer in writing of the reasons for his decision.

605.1 The Planning Commission may overturn the zoning administrator's determination pursuant to section 605, in whole or in part, when considering the developer's application.

610. Minor Divisions.

611 Five-year divisions. The creation of not more than three (3) lots, including the remnant, on an existing street within a five (5) year period.

611.1 Such divisions shall not adversely affect the development of the remainder of the parcel or adjoining property.

611.2 Each lot created and the remnant shall conform to the provisions of the Culpeper County Zoning Ordinance, unless otherwise specifically provided in this Article.

612 Ten-acre divisions. In zoning districts zoned A-1 (Agricultural) or RA (Rural Residential)

only, five-year divisions in which each lot, including the remnant, contains at least ten (10) acres of land.

612.1 Each and every lot, including any remaining land or remnant lot, created by such a division shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least fifty (50) feet in width ("private street"), linking such lot to such a public street.

612.2 No private street as provided in section 612.1 above may be approved unless the instrument creating the easement provides for a perpetual maintenance agreement, as a covenant running with the land, binding on all property owners having rights in the easement. The instrument creating the easement shall also provide for easements for the benefit of all parcels adjoining the easement for present or future facilities providing cable television, gas, telephone, electric, water, sewer or other service to the parcels. Such instrument shall be in a form acceptable to and approved by the County Attorney.

612.3 Every final plat prepared pursuant to this provision shall depict the exact placement and dimensions of the easement as part of the property survey and shall designate the easement as a "private street".

612.4 Expressly excepted from the definition of a "ten-acre division" otherwise permitted to be treated as a minor division under the provisions of this Article are:

612.4.1 Any division utilizing either a public road or a private street that connects to any street in a previously approved subdivision plat, without the consent of all the property owners in the affected subdivision.

613 Family divisions. In zoning districts zoned A-1 (Agricultural) or RA (Rural Area) only, the single division of a lot or parcel for the purpose of sale or gift to any non-minor member of the immediate family of the property owner. For the purposes of this provision, "immediate family" shall be defined as any person who is a natural or legally defined child, sibling, parent, grandparent, grandchild, or step-child, step-parent, or step-sibling of the property owner. Family divisions may be transferred jointly to a member of the immediate family and their spouse. The provisions of this section shall not apply to transfers of undivided interests by one (1) or more co-tenants or joint tenants of any parcel to one (1) or more of the other co-tenants or joint tenants.

613.1 Only one (1) such division shall be allowed per family member as grantee and this shall be certified as such by the owner at the time of application to the Office of Planning and Zoning.

613.2 Lot size shall conform to the requirements of Section 9-3-3 of the Culpeper County Zoning Ordinance.

613.3.1 The sale or gift by the property owner shall be for the bona fide purpose of providing immediate housing and shelter for eligible family members as provided above. For the purposes of this section, "immediate" shall be defined as obtaining a building permit for such housing and shelter within twelve (12) months of the division pursuant to Section 613, thereafter diligently pursuing a primary domicile in a residence constructed as described in such permit and located on the parcel, and occupying such residence no later than twenty-four (24) months after the division.

613.3.2 As set forth in subsection 613.3.1, above, all family divisions must be for the purpose of establishing a primary domicile for the grantee. Occupancy of the residence may be waived by the Zoning Administrator if there is an employment situation, such as employment in the armed services, which would require the

grantee to work outside of Culpeper County making occupancy impossible.

613.4 The sale or gift by the property owner shall not be for the purpose of circumventing the requirements of this Ordinance.

613.5 The remaining land or remnant lot created by subdivision under this section shall itself be considered a family division enjoying the same exemptions as any other lot or lots approved from the original parcel and subject to the requirements of section 613.1: provided, however, that if the remaining land or remnant lot shall not in all other respects conform to the requirements applicable to lots in that zoning district, the remaining land or remnant lot shall be subject to the same restrictions imposed by section 613.6 on the new parcel.

613.6 All divisions pursuant to this section shall conform to the following requirements:

613.6.1 The deed of conveyance shall conform to the requirements of section 613.8 below.

613.6.2 Each and every lot created by such a division, including any remaining land or remnant lot, shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least fifty (50) feet in width ("private street"), linking such lot to such a public street.

613.6.2.1 The provisions of sections 612.2 and 612.3 above shall apply to private streets permitted by this section 613.6.2.

613.6.2.2 Notwithstanding section 613.6.2.1, where a "private farm lane" has already been established and recorded pursuant to the predecessor provisions of section 736 (Ordinances of Mar. 3, 1987 & Mar. 5, 1991), such a "private farm lane" may be utilized to obtain the required access to a public street, provided that all affected parties consent thereto, and provision is made for the maintenance of the "private farm lane," and for easements as required by section 612.2.

613.6.3 Prior to the approval of any family division, the owner creating the family division and the proposed transferee shall execute an affidavit as provided for in section 613.7 below.

613.6.4 If the family division is approved, the plat of subdivision shall contain a notice in a form to be approved by the County Attorney, which notice shall state, at a minimum, that the plat and the division are pursuant to the requirements of this section 613, that further transfer of the lots or parcels shown on the plat is limited in accordance with the provisions of section 613.6.5, and that building permits and/or certificates of occupancy may not be granted if the division is found by the zoning administrator to be in circumvention of the requirements of the Culpeper County Subdivision Ordinance, or if the proposed transferee does not comply with the requirements of section 613.3, as they may be adjusted pursuant to section 613.9.3.

613.6.5 Except as otherwise provided in section 613.9 below, no transferee under this provision shall further transfer or subdivide any lot created hereunder for a period of five (5) years from the date of the transfer.

613.7 The affidavit required in section 613.6 shall conform to the following requirements:

613.7.1 The affidavit shall be in a form approved by the County Attorney.

613.7.2 The affidavit shall include:

613.7.2.1 the names of the owner and the proposed transferee;

613.7.2.2 the relationship between the owner and the proposed transferee;

613.7.2.3 information concerning any prior conveyances pursuant to this section 613 or any predecessor provision of the Culpeper County Subdivision Ordinance affecting either the owner or the proposed transferee; and

613.7.2.4 the purpose of the proposed division.

613.7.3 The affidavit shall contain a certification by the owner and the proposed transferee that the proposed division is not for the purpose of the circumvention of the requirements of this Subdivision Ordinance.

613.7.4 The affidavit shall contain a certification by the proposed transferee that:

613.7.4.1 the property to be conveyed is to be used only for housing and shelter for the transferee;

613.7.4.2 the proposed transferee is currently able to and intends to occupy the property as his or her primary domicile within the time period required by section 613.3;

613.7.4.3 the proposed transferee understands and agrees that a building permit or a certificate of occupancy may not be issued in the event the conveyance is for the purpose of circumventing the requirements of this Subdivision Ordinance; and

613.7.4.4 the proposed transferee understands and agrees that the property is subject to the requirements of section 613.6.5.

613.8 The deed of conveyance for any family division shall conform to the following requirements:

613.8.1 The deed shall be in a form approved by the County Attorney.

613.8.2 The deed shall be executed by both the transferor and the transferee.

613.8.3 The deed shall contain a provision that the property is subject to the requirements of sections 613.6.5 and 613.9.

613.8.4 The deed shall contain a statement that the conveyance is for the *bona fide* purpose of providing immediate housing and shelter for an immediate family member pursuant to section 613 of the Culpeper County Subdivision Ordinance.

613.9 The foregoing provisions are subject to the following exceptions:

613.9.1 Notwithstanding the provisions of section 613.6.5, the Board may approve a conveyance within the five (5) year time period where the grantor demonstrates a *bona fide* financial or economic hardship or disaster which necessitates such conveyance.

613.9.2 Nothing herein shall be construed as preventing:

613.9.2.1 any sale or conveyance resulting from a deed of trust foreclosure;

613.9.2.2 any conveyance for the purpose of conveying legal title to any trustee in a *bona fide* deed of trust; or

613.9.2.3 any transfer pursuant to any judicial decree of partition or divorce, including any property settlement incorporated into a divorce decree.

613.9.3 Notwithstanding the provisions of section 613.3, the Board may extend the time period in which the transferee is to obtain a building permit or construct his or her primary domicile when the transferee has been unable, due to circumstances beyond his or her control, and in spite of his or her good faith efforts, to do so; or when the transferee demonstrates a *bona fide* financial or economic hardship or disaster which necessitates such an extension.

613.10 The determination whether or not a transfer is in circumvention of the requirements of the Subdivision Ordinance is to be made initially by the zoning administrator, and is to be based on any relevant factors. Any person affected by the decision may appeal such a determination pursuant to section 910. (Ord. of 9-3-2002)

614 Adjustment of lot lines. Resubdivisions for the purpose of minor boundary line adjustments between adjoining property owners where no new building lots are created.

614.1 No such division shall result in the creation of any lot that does not conform to the minimum requirements of the Culpeper County Zoning Ordinance nor shall an existing non-conformity be increased or worsened and no such division shall prevent the logical development of the remaining tract.

614.2 No such division shall be permitted under this Article.

614.2.1 If the adjustment involves the relocation or alteration of streets, alleys, easements for public passage, or other public areas; or

614.2.2 If, as a result of the adjustment, any easement or utility right-of-way is to be relocated or altered without the express consent of all persons holding any interest therein; or

614.3 Any adjustment of lot lines which would expand the size of a nonconforming lot or increase the size of any lot by more than twenty-five (25) percent shall be restricted as to subsequent minor divisions under Section 610 of this Ordinance. No such subsequent division shall be permitted to yield an increase in the number of lots which would have been permissible prior to the adjustment of lot lines, unless all such additional lots exceed fifty (50) acres in size. The plat of any lot subject to this provision must include a clear statement indicating the restriction on subsequent divisions; or

614.4 The final plan shall, in addition to any other requirements of this ordinance, contain wording substantially as follows, as approved by the Zoning Administrator: "For the purposes of application of the Zoning and Subdivision Ordinances of Culpeper County, Virginia, the tract or parcel shown on this plat shall be considered part of that tract or parcel conveyed to the undersigned owners by deed dated _____, and recorded in the Culpeper County Clerk's office in Deed Book _____, page _____, and the two (2) parcels shall be considered as one (1)."

(Ords. of 9-5-2000; 4-2-2002(3); 6-4-2002(5))

Editor's note—The ordinance of 9-5-2000 repealed the former Article 6 in its entirety and replaced it with the above Article.

ARTICLE VII. DESIGN STANDARDS

700. Application.

701 The standards of this Article shall be used to determine the adequacy of all proposed subdivisions.

702 A development shall be planned, reviewed and carried out in conformance with all County, State and other applicable laws and regulations.

703 Whenever other County ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

704 In reviewing the design, layout, density and platting of subdivisions, the following shall be considered and incorporated where practicable, in County planning and decisions:

704.1 The County Comprehensive Plan.

704.2 The County Zoning Ordinance.

704.3 Existing Agricultural and Forestal Districts.

704.4 Physical characteristics of the site and natural features of the surrounding area.

704.5 Environmental impacts that may result from the subdivision.

704.6 Other state and local laws as applicable to the subdivision of land and improvements thereto.
(Ord. of 5-24-1989)

705 Subdivisions that abut, or are adjacent across a secondary highway to, property in an existing agricultural and forestal district shall provide a buffer between the nearest dwelling and the district of one hundred (100) feet or more, based on the use of a berm, landscape or such other combination of natural materials to physically screen and separate the uses and restrict the movement of persons, animals, pollutants and noise between the two. Absent of such barrier, a maximum of two hundred (200) feet shall be required as determined by the Planning Commission, based on contracts of adjacent uses, topography and other natural characteristics of the area. Nothing in this section shall prohibit an existing lot from its proper use as identified in the Zoning Ordinance. Any such buffers shall be shown on both the preliminary plan and final plat, and on all boundary and improvement surveys.
(Ords. of 5-24-1989, 1-3-1995)

Editor's note—The ordinance of 1-3-1995 added the last sentence to section 705.

710. Lot design and building placement standards.

711 The lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance requirements.* Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. Generally, subdivided lots of less than ten (10) acres shall not exceed a lot depth-to-width ratio of five to one (5:1).
(Ord. of 5-24-1989)

712 Every lot shall front a street, and the side lines of lots shall be approximately at right angles or radial to the street line.

713 Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.

714 In the case of lots for residential purposes, the building setback line shall conform to the requirements of the Culpeper County Zoning Ordinance, except that the commission may allow a greater setback if the commission finds that physical or other conditions make a greater setback desirable.

715 In the case of lots for commercial, industrial or nonresidential use, the lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the requirements of any existing zoning or other applicable ordinance and

*__Editor's note—__See App. A, Zoning Ordinance.

shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

720. Easements.

721 Utilities shall be installed, or easements for such utilities shall be provided, in the location and to the width designated by the commission after receiving recommendations from the utility companies responsible for the installation of same.

722 Where a subdivision is traversed by a stream or other natural drainageway, the commission may require the subdivider to dedicate a suitable right-of-way or easement for stormwater drainage or to construct adequate water drains.

730. Street design standards.

731 General requirements.

731.1 Except as expressly otherwise provided in this Ordinance, and except for cluster, duplex, townhouse, multifamily, and PUD developments, every subdivision lot shall front on a street which is included in the state system of primary and secondary roads.
(Ords. of 11-6-1991, 8-3-1993, 9-5-2000)

Editor's note—Amendment of 8-3-1993 substituted the words "section 736" for "section 700" and added "and PUD" before "developments" to allow for private streets to be constructed within PUD developments. Amendment of 9-5-2000 deleted any reference to specific sections for exceptions.

731.2 Streets shall be so designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the Virginia Department of Transportation, as evidenced by the written approval of the Highway Engineer.

731.3 Proposed streets within and contiguous to the subdivision shall be properly related to the road and highway plans of the State and County, and shall be coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage; and shall also be coordinated with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.
(Ord. of 9-5-2000)

731.4 The street system of a proposed subdivision shall be designed to create a hierarchy of street functions which includes collector and local streets.

731.5 Private streets (streets not to be offered for dedication) shall meet the street design and improvement standards set forth in this Ordinance unless otherwise agreed upon by the Planning Commission.

731.6 If the scope of ultimate subdivision is greater than that which is shown on the preliminary plan submission, suitable access and street openings for such an eventuality shall be provided.

731.7 In addition to any other requirement imposed by this Ordinance, any private street that may, pursuant to this Subdivision Ordinance, be approved for use in a subdivision must be recorded with the following statement clearly on the final plat and all approved deeds of subdivision: "The private streets in this subdivision will not be paved or maintained with funds of Culpeper County or the Virginia Department of Transportation. In the event that owners of lots should desire the addition of these private streets to the state secondary highway system, the cost to upgrade and maintain them to the prescribed standards shall be provided from funds other than Culpeper County or the Virginia Department of Transportation. Private streets in this subdivision are not dedicated to the Commonwealth of Virginia or to the County of Culpeper and are owned by (trust, corporation, association)." Grantors of any subdivision lots to which such statement ap-

plies must include the statement on each deed of conveyance thereof.
(Ords. of 5-24-1989, 8-3-1993, 9-5-2000)

Editor's note—Amendment of 8-3-1993 deleted the words "or private street" after the words "Any private farm lane" and added "to the Commonwealth of Virginia or to the County of Culpeper" after "dedicated" in the last sentence. Amendment of 9-5-2000 further clarified this section and brought it into compliance with current state code.

731.8 Any private street which is to be constructed within a cluster, duplex, townhouse, multifamily or PUD development must be constructed to meet current Virginia Department of Transportation standards. In such cases, the subdivision must also be recorded with the statement noted in section 731.7 clearly on the final plat.
(Ord. of 8-3-1993)

Editor's note—Amendment of 8-3-1993 added section 731.8 to allow for private streets to be constructed within PUD developments and to require all private streets (excluding farm lanes) to be constructed to VDOT standards.

732 Street intersections.

732.1 All proposed street intersections shall be in accordance with the requirements and standards of the Virginia Department of Transportation.

732.2 Clear sight triangles shall be provided at all street intersections. Within such triangles, no object greater than three (3) feet in height and no other object that would obscure the vision of the motorist shall be permitted.

732.3 Whenever a portion of the line of such triangle occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

733 Ingress and egress.

733.1 When a proposed subdivision will adjoin a primary or secondary highway designated as part of the state highway system, all efforts will be made to avoid unnecessary ingress and egress. In the interest of safety and future road efficiency, all lots in such subdivisions will front on internal subdivision streets or on a service drive where such is planned. Street access from such a subdivision shall be located at minimum center-line-to-center-line intervals of six hundred (600) feet on any primary road and two hundred fifty (250) feet on any existing secondary road. In general, stripped lots on non-subdivision streets will be prohibited, and consolidated access will be encouraged wherever possible.

733.2 Whenever, because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, strict compliance with section 733.1 would result in extraordinary hardship to the developer, the Planning Commission may vary, modify or waive the requirement so that substantial justice may be done and the public interest secured.
(Ord. of 5-24-1989)

734 Repealed.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 repealed this section as being duplicative.

735 Cul-de-sacs.

735.1 Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

735.2 Any dead-end street which is constructed for future access to an adjoining property or because of authorized state development, and which is open to traffic and exceeds two hundred (200) feet in length, shall be provided with a temporary, all-weather turnaround and shall be guaranteed to the public until such time as the street is extended.

735.3 Cul-de-sac streets, permanently designed as such, shall not exceed one thousand (1,000) feet in length or shall not furnish access to more than fifteen (15) lots, twenty (20) lots in a clustered development. Private cul-de-sacs and cul-de-sacs in subdivisions where each lot is five

(5) acres or more shall not exceed two thousand five hundred (2,500) feet in length.

735.4 All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The turnaround may be offset to the left or to the right.

735.4.1 If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curbline shall be forty (40) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.

735.4.2 If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curbline shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
(Ord. of 5-24-1989)

736 Repealed.
(Ord. of 9-5-2000)

Editor's note—The Ordinance of 9-5-2000 repealed this section as being duplicative with other sections of this same Article.

737 Street names.

737.1 Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.

737.2 In no case shall the name of a proposed street duplicate an existing street name in the County and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

Editor's note—During the original County-wide naming of streets, numerous duplications were created and are "grandfathered" exceptions to this section. These are as follows: Blue Ridge Lane/Avenue; Cameron Court/Street; Catalpa Drive/Court; Cedar Lane/Road; Clover Hill Lane/Road; Colvin Road/Street; Countryside Circle/Lane; Crestview Lane/Place; Crooked Run Lane/Road; Davis Lane/Street; East Court/Street; Elkwood Drive/Crossing; Farley Road/Street; Federal Court/Street; Fletcher Lane/Place; Fox Hill Lane/Road; Golf Lane/Drive; Gray Road/Street; Hall Street/Road; Hazel River Drive/Road; Hickory Drive/Knoll; Highland Drive/Road; Hitt Lane/Court; Horseshoe Court/Drive/Road; Kelly Court/Street; Kings Drive/Street; Lewis Drive/Lane/Street; Lightfoot Lane/Street; Millers Lane/Drive; Norman Lane/Road; Overlook Court/Trail/Street; Queens Lane/Court/Street; Smith Court/Road; Spring Road/Street; Sycamore Lane/Street; Walker Lane/Road; Washington Place/Street; West Court/Street; White Oak Lane/Road; Williams Court/Drive/Street; Willis Road/Lane; Windy Acre Lane/Road.

737.3 A street name shall not be assigned to any private street which will not serve, or is not intended to serve, at least three (3) dwellings.

737.4 All street names shall be subject to the approval of the Office of Planning and Zoning.

738 Sidewalks.

738.1 Sidewalks shall generally be required on both sides of the street in subdivisions with typical lot widths of less than one hundred (100) feet at the building setback lines.

738.2 Sidewalks may also be required on both sides of the street in subdivisions where lots are one hundred (100) feet or more in width if it would be desirable to continue sidewalks that are existing in adjacent subdivisions, or to provide access to community facilities, such as schools, shopping areas and recreation areas.

738.3 Sidewalks shall be required on both sides of streets and adjacent to parking areas in multi-family developments.

738.4 Sidewalks shall be located within the street right-of-way no closer than one foot from the right-of-way line and shall be a minimum of four (4) feet wide, except along collector and minor arterial streets and adjacent to shopping centers, schools, recreation areas and other community facilities where they shall be a minimum of five (5) feet wide.

738.5 Generally, a grass planting strip should be provided between the curb and sidewalk.

738.6 Sidewalks shall be constructed in accordance with the applicable improvement specifications of Article VIII of this Ordinance.

738.7 Where a comprehensive interior walkway system is designed and proposed

for the subdivision, some or all of the requirements set forth in this section may be waived by the Planning Commission.

738.8 Where unusual or unique conditions prevail with respect to the prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Planning Commission.

740. Watershed Management District standards.

All major subdivisions proposed for development in the Lake Pelham—Mountain Run Lake Watershed are subject to the regulations and standards contained in the Culpeper County Zoning Ordinance, Article 8C, Watershed Management District. The standards include requirements for buffers, BMP's, grass swales for drainage, impervious surface limits and other considerations designed to achieve the best water quality and water resource management objectives in the watershed.
(Ord. of 3-3-1992)

ARTICLE VIII. IMPROVEMENT SPECIFICATIONS

800. Physical improvements.

The commission shall require that the subdivider make the improvements provided for in this section, and they shall be installed at his cost in compliance with the requirements of the Virginia Department of Transportation or the Culpeper County Health Department, or both. No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation or the Culpeper County Health Department, or both, as hereinafter provided. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor and punishable as provided in Article IX of this Ordinance.

801 Monuments shall be placed in the ground at all corners, angles and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas, within the subdivision, and in at least one point in each lot. Said monuments shall be of iron pipe, not less than one-half (½) inch nor more than one inch in diameter and three (3) feet in length. The top of all monuments shall be set no more than four (4) inches or less than one inch above the finished grade of the ground surface at their respective locations. Upon completion of subdivision streets, sewers, waterlines and other required improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use.

802 Streets and sidewalks shall be constructed in compliance with the requirements of the Virginia Department of Transportation.

803 Where required by the Highway Engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

804 Street signs shall be installed at all street intersections in any subdivision by the subdivider.

805 Central water supply shall be required in all subdivisions of six (6) or more lots where any of the lots are two (2) acres or less in land area.

806 Fire Protection systems shall be required to be installed by the developer as defined in section 14-43 of this Code.
(Ords. of 3-3-1987; 5-24-1989; 5-1-2001)

810. Performance guaranties.

811 The subdivider shall furnish a performance guaranty in an amount equal to the total cost, as determined by a registered engineer or land surveyor and approved by the zoning administrator, of such improvements so as to guarantee that they will be installed within a designated reasonable length of time. The performance guaranty shall accompany the final plan, as provided in section 520, when it is submitted to the zoning administrator.

812 In the absence of a performance guaranty, no final plan shall be approved or recorded until the required improvements have been installed and approved by the zoning administrator.

813 Before undertaking any improvements required in section 800, the subdivider shall submit four (4) copies of his proposed plans and specifications to the zoning administrator and receive written approval thereof by the return of one copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. Said plans and specifications shall have been prepared by a qualified surveyor or engineer, registered by the Commonwealth of Virginia. Of the copies retained, one shall be forwarded to the Highway Engineer and one to the Health Official, when appropriate, and the remaining copy or copies shall be filed with the County's copy of the final plan.

820. Provisions for periodic partial and final release of certain performance guarantees.

821 A partial or final complete release of any performance guaranty required by this Subdivision Ordinance shall be granted within thirty (30) days after receipt by the zoning administrator of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed hereunder unless the zoning administrator notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty (30) day period.

822 The zoning administrator may call upon any expert source in determining the acceptability of facilities or improvements.

823 If no such action is taken by the zoning administrator within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty (30) day period and there is an additional request in writing sent by certified mail return receipt requested to the County Administrator, who shall immediately forward the request to the zoning administrator. The zoning administrator shall act within ten (10) working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

824 The zoning administrator shall not refuse to make a periodic partial or final release of a performance guaranty for any reason not directly related to the specified defects or deficiencies in construction of the facilities or improvements covered by the performance guaranty.

825 Upon written request by the subdivider or developer, the zoning administrator shall be required to make periodic partial releases of such performance guaranty in a cumulative amount equal to no more than ninety percent (90%) of the original amount for which the performance guaranty was taken, and may make partial releases to such lower amounts as may be deemed appropriate by the zoning administrator based upon the percentage of facilities or improvements completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the facilities or improvements covered by any performance guaranty. The zoning administrator shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon final completion and acceptance of the facilities or improvements, the zoning administrator shall release any remaining performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means; when the public facility or improvement is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such facility or improvement upon acceptance.

826 For the purposes of this section, a certificate of partial or final completion of such facilities or improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to section 54.1-400 of the Code of Virginia, or from a department or agency designated by the County may be accepted without requiring further inspection of such facilities or improvements.

830. Voluntary Improvements.

831 A developer may provide for the voluntary funding of off-site road improvements and the Board of Supervisors may provide for reimbursement of such off-site road improvements pursuant to section 15.2-2242(4) of the Code of Virginia.

840. Payment by subdivider of pro rata share of the cost of certain facilities.

841 A subdivider or developer shall be required to make payment of the pro rata share of the cost of providing reasonable and necessary

sewage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the Culpeper County Board of Supervisors or a designated department or agency of Culpeper County has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the Board of Supervisors has committed itself by ordinance to the establishment of such a program.

842 Regulations and payments hereunder shall comply with the provisions of section 15.2-2243 of the Code of Virginia.

850. Roads not acceptable into the secondary system of state highways.

851 In the event the Board of Supervisors has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then the subdivider or developer shall furnish a maintenance guaranty, with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways.

852 "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 amended sections 810 and 820, and added sections 830, 840, and 850.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

900. General.

901 The zoning administrator shall administer and enforce all provisions of this Subdivision Ordinance.

902 No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plan of such subdivision shall have been approved, as provided herein, and recorded in the office of the Clerk of the Circuit Court of Culpeper County, Virginia.

903 In order to permit the zoning administrator to properly administer and enforce the provisions of this subdivision ordinance, any plat or plan, regardless of whether it is a subdivision, boundary survey, easement plat, or other instrument shall be reviewed and approved by the zoning administrator for compliance with this Ordinance prior to recordation.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 renamed this section and added Subsections 902 and 903.

910. Appeals.

911 The decisions of the zoning administrator, with respect to approval or disapproval of any portion of this Ordinance, may be appealed directly to the Planning Commission by requesting to be placed on the agenda of the next regularly scheduled meeting.

912 The Planning Commission may reverse the decision of the zoning administrator or submit the request to the Board of Supervisors with or without recommendation.

920. Violations and penalties.

921 All departments, officials and public employees of Culpeper County vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Subdivision Ordinance of Culpeper County and shall issue no such permit or license for uses, structures or purposes where the sale would be in conflict with the provisions of said Ordinance, and any such permit or license, if issued in conflict with the provisions of said Ordinance, shall be null and void.

922 Any violation of said Ordinance shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars ($100.00) per lot and not more than five hundred dollars ($500.00) per lot, and each day after the first during which violation shall continue after notification that it shall cease shall constitute a separate violation.

923 It shall constitute a violation of said Ordinance for any person, firm, corporation, owner or agent to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of said Ordinance.

924 Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of said Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the Statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

930. Validity and conflicts.

931 Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance than the one so declared.

932 Whenever there is a conflict between minimum standards or requirements set forth in this Ordinance and those contained in other County Ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.

940. Fees.

941 To compensate the County for costs incurred for administration, examining plans, making investigations, advertising, travel and other work incidental to the approval of plans, fees are payable to the County Treasurer as prescribed by the Board of Supervisors.

942 No plan shall be reviewed unless all fees and charges are paid in full.

950. Administrative regulations.

951 In addition to the requirements herein contained for the platting of subdivisions, the commission may establish such administrative rules and procedures as it deems necessary to properly administer this Ordinance.

960. Normal requirements and variations.

961 The requirements of this Ordinance may be varied in specific cases if the Planning Commission or the Board of Supervisors, whichever is the final reviewing authority, determines that an unusual situation exists which makes it necessary or desirable to vary one or more standards or procedures, or when strict adherence to the general regulations would result in substantial injustice or hardship.

962 Any such variation from the prescribed standards shall be shown to be in the public interest, and the reasons therefor shall be stated in the minutes.

(Ord. of 9-5-2000)

Editor's note—The ordinance of 9-5-2000 modified this section to make clear that variations from the prescribed standards will be determined by whichever body is the proper authority for a particular variant.

970. Effective date and repeal.

971 This Subdivision Ordinance of Culpeper County shall be effective at and after July 6, 1978.

972 The Subdivision Ordinance of Culpeper County, adopted November 7, 1973, is hereby repealed as of this date of adoption (July 5, 1978).

APPENDIX C

REPEALED DISTRICTS

As per Articles 6.1 and 7.1, adopted on November 6, 1991, repealed Articles 6. 6A. 7 and 8 which follow are grandfathered and retained in this Appendix C for the purpose of regulation of those properties so zoned.

ARTICLE 6. GENERAL COMMERCIAL DISTRICT C-2

Statement of intent. This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access and is characterized by constant heavy traffic and by the noise of congestion of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns, garages and service stations, located mostly on primary arteries, but outside the central business district.

The following regulations shall apply in all C-2 Districts.*

6-1. Uses permitted.

All uses permitted in R-2 and R-3 Districts.

6-1-1 Appliance stores.

6-1-2 Art or antique shops.

6-1-3 Animal hospitals or clinics.

6-1-4 Auditoriums, theaters and assembly halls.

6-1-5 Automobile service stations, subject to securing a use permit as provided for in Article 17.

6-1-6 Automobile and trailer sales and service (new and old), provided that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.

6-1-7 Bakeries and confectionery stores.

6-1-8 Banks and lending institutions.

6-1-9 Barber and beauty shops.

6-1-10 Baths, Turkish and the like.

6-1-11 Bird stores, pet shops or taxidermists.

6-1-12 Business college and trade or commercial schools if not objectionable due to noise, odor, vibration or other similar causes.

6-1-13 Blueprinting or photostating.

6-1-14 Bookstores and libraries.

6-1-15 Cabinet and furniture repair.

6-1-16 Catering establishments.

6-1-17 Clothing stores.

6-1-18 Clubs and lodges.

6-1-19 Department, furniture or radio stores.

6-1-20 Drive-in businesses where persons are served in automobiles, subject to securing a use permit as provided for in Article 17.

6-1-21 Feed stores, wholly within a building.

6-1-22 Film exchange.

6-1-23 Florists.

6-1-24 Frozen food lockers, excluding wholesale storage.

6-1-25 Funeral homes.

6-1-25A Garden and landscape centers.

6-1-26 Gift shops and jewelry stores.

6-1-27 Hardware stores (retail only)

6-1-28 Home and auto supplies.

6-1-29 Hotels.

6-1-30 Interior decorating stores.

6-1-31 Laundromats.

6-1-32 Machinery sales and services.

6-1-33 Medical or dental clinics and laboratories.

6-1-34 Music conservatories or music instructors.

6-1-35 Miniature golf courses, subject to securing a use permit as provided for in Article 17.

6-1-36 Motels.

6-1-37 Newsstands.

6-1-38 Nurseries.

6-1-39 Office buildings.

6-1-40 Pawn shops.

6-1-41 Photographer shops and supplies.

6-1-42 Plumbing and electrical supplies (with storage inside a building).

6-1-43 Pony riding rings, without stables.

6-1-44 Printing, lithographing or publishing.

*__Note—__*For supplemental regulations, see Article 9.

6-1-45 Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement, subject to securing a use permit as provided for in Article 17.

6-1-46 Public utilities.

6-1-47 Restaurants.

6-1-48 Refreshment stands.

6-1-49 Retail food stores.

6-1-50 Secondhand stores, if conducted wholly within a completely enclosed building.

6-1-51 Self-contained storage units for private, non-retail usage, with maximum storage area of four hundred (400) square feet per unit, and excluding all outdoor or wholesale and business storage.

6-1-52 Studios and dancing, subject to securing a use permit as provided for in Article 17.

6-1-53 Upholstering shops, if conducted wholly within a completely enclosed building.

6-1-54 Wedding chapels.

6-1-55 Wholesale merchandising brokers, excluding wholesale storage.

6-1-56 Off-street parking as required in Article 10.

6-1-57 Nameplates and signs as permitted in Article 11.
(Ords. of 3-3-1987; 5-24-1989; 9-4-1990)

6-2. Height regulations.

6-2-1 Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit see Article 9.

6-3. Area regulations.

None.

6-4. Lot coverage.

6-4-1 Lots may be covered up to the percent permitted after the setback line and yard regulations are met.

6-5. Setback regulations.

6-5-1 The setback line shall be located fifty (50) feet from any street right-of-way which is fifty (50) feet or more in width or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street than the setback line.

6-5-2 In the case of corner lots, the side yard on the side facing the side street shall be forty (40) feet or more for both the main and accessory buildings.

6-6. Width regulations.

None.

6-7. Yard regulations.

6-7-1 Side. None, except every building hereafter erected, walls of which contain windows or other openings, and do not side on a street or alley, shall provide a side yard of not less than five (5) feet and one additional foot for each ten (10) feet or fraction thereof above the first fifteen (15) feet of height.

6-7-2 Rear. There shall be a rear yard of not less than ten percent (10%) of the depth of the lot, but such rear yard need not exceed twenty (20) feet in depth.

ARTICLE 6A. HIGHWAY INTERCHANGE DISTRICT H-1

6A-1. Uses permitted.

6A-1-1 Agriculture as defined.

6A-1-2 Motels and hotels.

6A-1-3 Restaurants.

6A-1-4 Service stations.
(Ord. of 3-3-1970)

6A-2. Height regulations.

6A-2-1 Buildings in H-1 districts may be erected up to forty-five (45) feet in height form the adjacent ground elevation.
(Ord. of 3-3-1970)

6A-3. Area regulations.

6A-3-1 The minimum lot size shall be one acre. For uses utilizing individual wells or sewage disposal systems, or both, the required area for any such use shall be approved by the Health Official. The Administrator shall require a greater area if considered necessary by the Health Official.
(Ord. of 3-3-1970)

6A-4. Setback regulations.

6A-4-1 The setback line shall be located sixty (60) feet from all street right-of-way lines.
(Ord. of 3-3-3-1970)

6A-5. Width regulation.

6A-5-1 The minimum lot width at the setback line shall be 140 feet.
(Ord. of 3-3-1970)

6A-6. Yard regulations.

6A-6-1 Each main structure shall have minimum side and rear yards of thirty (30) feet.
(Ord. of 3-3-1970)

ARTICLE 7. INDUSTRIAL, LIMITED, DISTRICT M-1

Statement of intent. The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

The following regulations shall apply in all M-1 Districts*:

7-1. Uses permitted.

7-1-1 All uses permitted in C-2.

7-1-2 Airports, with conditional use permit.

7-1-3 Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers and crystal holders.

7-1-4 Automobile assembling, painting upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling tire retreading or recapping or battery manufacture.

7-1-5 Blacksmith shop, welding or machine shop, excluding punch presses exceeding 40 ton rated capacity and drop hammers.

7-1-6 Boat building.

7-1-7 Building material sales yards, plumbing supplies storage.

7-1-8 Coal and wood yards, lumberyards, feed and seed stores.

7-1-9 Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.

7-1-10 Laboratories, pharmaceutical and/or medical.

7-1-11 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries and food products.

7-1-12 Manufacture of musical instruments, toys novelties and rubber and metal stamps.

7-1-13 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

7-1-14 Monumental stone works.

7-1-15 Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures and the like.

7-1-16 Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for

*__Note—__For supplemental regulations, see Article 9.

the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.

7-1-17 Sheet metal shop.

7-1-18 Wholesale businesses, storage warehouses.

7-1-19 Off-street parking as required in Article 10.

7-1-20 Nameplates and signs as permitted in Article 11.

7-2. Height regulations.

7-2-1 Buildings may be erected up to forty-five (45) feet in height from the adjacent ground elevation. For structures permitted above the height limit see Article 9.

7-3. Area regulations.

None.

7-4. Lot regulations.

7-4-1 Lots may be covered up to the percent permitted after the setback line and yard regulations are met.

7-5. Setback regulations.

7-5-1 The setback line shall be located fifty (50) feet from any street right-of-way which is fifty (50) feet or more in width or seventy-five (75) feet from the center line of any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street than the setback lines.

7-5-2 In the case of corner lots the side yard on the side facing the side street shall be forty (40) feet or more for both the main and accessory buildings.

7-6. Width regulations.

None.

7-7. Yard regulations.

7-7-1 Side. None, except every building hereafter erected, walls of which contain windows or other openings, and do not side on a street or alley shall provide a side yard of not less than five (5) feet and one additional foot for each ten (10) feet or fraction thereof above the first fifteen (15) feet of height.

7-7-2 Rear. There shall be a rear yard of not less than ten percent (10%) of the depth of the lot, but such rear yard need not exceed twenty (20) feet in depth.

ARTICLE 8. INDUSTRIAL DISTRICT M-2*

Statement of intent. The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operators, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to:

(a) Encourage the construction of and the continued use of the land for heavy commercial and industrial purposes;

(b) Prohibit residential and neighborhood commercial use of the land and to prohibit another use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district;

(c) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

The following regulations shall apply in all M-2 Districts:

8-1. Uses prohibited.

8-1-1 Single-family dwellings.

8-1-2 Two-family dwellings.

8-2. Uses permitted.

In Industrial District M-2, buildings to be erected or land to be used shall be for one or more of the following uses:

8-2-1 All uses permitted in C-2.

*__Note—__*For supplemental regulations, see Article 9.

8-2-2 All uses permitted in M-1.

8-2-3 All other industrial use shall comply with the following performance standards:

1. *Performance standards*: It is the intent of this ordinance to prevent any building, structure or land in the M-2 Zone from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise hazardous condition; noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conductive to the breeding of rodents or insects; or other substance, condition or elements in a manner or amount as to adversely affect the surrounding area. Any use proposed and/or proposed and established under the M-2 Zone may be undertaken and maintained if it conforms to all County regulations including regulations of this section referred to herein as "performance standards". No use shall hereafter be established or conducted in any M-2 Zone in any manner in violation of the following "performance standards".

2. *Noise*: All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness, in no case shall the sound pressure level of noise radiated from any establishment, measured at the nearest lot line, exceed the values in any octave band of frequency set forth in Table I below or in Table I as modified by the correction factors provided in Table II below. The sound pressure level shall be measured with a sound level meter and an octave band analyzer conforming to standards prescribed by the American Standards Association.

Table I
Maximum Permissible Sound Pressure Levels Measured at Lot Line

Frequency Band (cycles per second)	*Sound Pressure Levels (Decibels re 0.0002 dyne per CM2)*
20-75	74
76-150	62
151-300	57
301-600	51
601-1200	47
1201-2400	42
2401-4800	38
4801-10,000	35

Table II
Correction Factors

Condition	*Correction (in decibels)*
On a site contiguous to or across a street from the boundary of any residential zone established by this ordinance or by the zoning ordinance of any other County or any municipality.	Minus 5
Operation between the hours of 10:00 p.m. and 7:00 a.m.	Minus 5
Noise of impulsive character (eg. hum or screech)	Minus 5
Noise source operated less than:	
20% in any one-hour period	Plus 5*
5% in any one-hour period	Plus 10*
1% in any one-hour period	Plus 15*

Apply one of these corrections. All other corrections [including any one of the starred corrections] are cumulative.

3. *Vibration*: No vibration that can be detected at the lot line without the aid of the instruments shall be permitted. Vibration caused by any use on any lot shall not result in acceleration exceeding 0.1g nor shall it produce a combination of amplitudes and frequencies on any building or structure beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, entitled "Seismic Effects of Quarry Blasting." The methods and equations of

said Bulletin No. 442 shall be used to compute all values for the enforcement of the subsection.

4. *Smoke*: There shall not be discharged into the atmosphere from any operation on any lot visible gray smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that visible gray smoke of a shade not darker than No. 3 on said chart may be emitted for not more than four (4) minutes in any period of thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of any other color but with an equivalent apparent opacity.

5. *Other air pollutants*: There shall not be discharged into the atmosphere from any operation on any lot fly ash, dust, dirt, fumes, vapors or gases to any extent that could result in damage to the public health or to animals or vegetation or to other forms of property, or which could cause any excessive soiling at any point; and in no event shall there be any such discharge of solid or liquid particles in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air, nor of acid gases in excess of two-tenths percent (0.2%) by volume. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to stack temperatures of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air.

6. *Odor*: There shall not be discharged or permitted to escape into the atmosphere from any operation on any lot odorous or noxious gas or any other odorous or noxious material in such quantity as to be offensive beyond the premises from which such odors emanate. As a guide in determining such quantities of offensive odors, Table III (Odor Thresholds), Chapter 5, Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. shall be used.

7. *Radioactivity*: There shall be no radioactive emission that would be dangerous to the health and safety of persons on or beyond the premises where such radioactive material is used. Determination of existence of such danger and the handling of radioactive materials, the discharge of such materials into the atmosphere and streams and other water, and the disposal of radioactive wastes shall be by reference to and in accordance with applicable current regulations of the Atomic Energy Commission, and in the case of items which would affect aircraft navigation or the control thereof, by applicable current regulations of the Federal Aviation Agency, and any applicable laws enacted by the General Assembly of the Commonwealth of Virginia.

8. *Electrical interference*: There shall be no electrical disturbance emanating from any lot that would adversely affect the operation of any equipment on any other lot or premises and in the case of any operation that would affect adversely the navigation or control of aircraft, the current regulations of the Federal Aviation Agency shall apply.

9. *Liquid or solid wastes*: There shall be no discharge of any liquid or solid wastes from any establishment into any stream except as authorized by the State Water Control Board and/or the Board of Supervisors, nor shall any wastes, debris or other discarded material be permitted to accumulate in any yard or open space on the premises.

10. *Glare and heat*: No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion, welding or otherwise so as to be visible beyond the lot line, shall be permitted, except for signs, parking lot lighting and other lighting permitted by this ordinance or required by any other applicable regulations, ordinance or law. There shall be no discharge of heat or heated air from any establishment so as to be detectable beyond the lot line.

8-2-4 Off-street parking as required in Article 10.

8-2-5 Nameplates and signs as permitted in Article II.

8-3. Height regulations.

8-3-1 Buildings may be erected up to seventy-five (75) feet in height from the adjacent ground elevation. For structures permitted above the height limit. See Article 9.

8-4. Area regulations.

None.

8-5. Lot coverage regulations.

8-5-1 Lots may be covered up to the percent permitted after the setback line and yard regulations are met.

8-6. Setback regulations.

8-6-1 The setback line shall be located seventy-five (75) feet from any street right-of-way which is fifty (50) feet or more in width or one hundred (100) feet from the center line of any street right-of-way less than fifty (50) feet in width. No structure shall be located closer to the street than the setback line.

8-7. Width regulations.

None.

8-8. Yard regulations.

8-8-1 Side. None, except every building hereafter erected, walls of which contain windows or other openings, and do not side on a street or alley shall provide a side yard of not less than five (5) feet and one additional foot for each ten (10) feet or fraction above the first fifteen (15) feet of height. Where the side of a lot abuts an A. R. or RA District there shall be maintained a minimum side yard of one hundred (100) feet. (Ord. of 6-12-1996)

8-8-2 Rear. There shall be a minimum rear yard of one hundred (100) feet where the lot abuts an A, R, or RA District.
(Ord. of 6-12-1996)

CODE COMPARATIVE TABLE

ORDINANCES

This is a chronological listing of the ordinances adopted and incorporated in this Code beginning January, 2001. Ordinances adopted prior to such date are indicated by editor's notes throughout the Code, as amended. Omitted materials are not reflected in this table.

Date	Section		Section this Code
1- 3-2001(Amd.)			App. B, § 737.2(note)
2- 6-2001(1)			6A-5-14
2- 6-2001(2)		Added	9-7—9-9
2- 6-2001(3)			9-37
2- 6-2001(4)			17-6-3.3d
3- 6-2001			App. A, § 17-6-2.4
			App. A, § 17-6-3.8e
4- 3-2001		Added	12-175—12-179
5- 1-2001			14-3
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5-10-2001		Rpld	7-1—7-4
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8- 7-2001		Added	App. B, § 422.3
10- 2-2001	1		1-11
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11- 6-2001			8-1
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12- 4-2001			7-3.3a
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4- 2-2002(1)			10A-4
4- 2-2002(2)			App. A, § 20-4-3
4- 2-2002(3)			App. B, § 401
			App. B, § 614
5- 3-2002	1		12-93(a)
5- 7-2002			App. A, § 9-1-6.10
6- 4-2002(1)	1	Added	2-8
6- 4-2002(2)	1	Added	2-9
6- 4-2002(3)		Added	App. A, Art. 30
6- 4-2002(4)		Added	App. A, Art. 30A
6- 4-2002(5)			App. B, § 614.3
9- 3-2002			App. B, § 613
			App. B, § 613.1
			App. B, § 613.3
10- 1-2002		Added	9-10
11- 6-2002		Added	App. A, § 9-4A
			App. A, Art. 9(Table)
12- 3-2002(1)			8-1
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			8-9(f)
			8-32(a)
		Added	8-32(d)
			8-33(c)(6)
		Added	8-37

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12- 3-2002(2)		Added	12-7
12- 3-2002(3)		Added	12-8
12- 3-2002(4)			12-33(1)
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12- 3-2002(5)			App. A, § 3-2-3.3
1- 7-2003		Added	App. A, § 18-5
7- 1-2003			12-33
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8- 5-2003			2-3
9- 2-2003(1)		Added	10B-1, 10B-20—10B-36, 10B-50
9- 2-2003(2)		Added	12-190—12-197
11- 5-2003		Added	App. A, § 9-6
		Dltd	App. A, § 17-5
2- 3-2004(1)			12-6(a)
2- 3-2004(2)			App. A, § 3-2-3
		Added	App. A, § 9-1-5B
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			4-92(a)—(c)
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6- 1-2004		Added	12-200—12-203
7- 6-2004		Added	7-9
8- 3-2004		Added	App. A, §§ 22-1-2(A), 22-1-2(B)
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STATUTORY REFERENCE TABLE

This table gives the location within this Code text of references to the Code of Virginia.

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15.2-2240	App. B, sec. 110
15.2-2280	App. A, Preamble
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CODE INDEX

*__Note—__The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.